

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
March 8, 2006

Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jerry Libbin
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

Visit us at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

REGULAR AGENDA

R5 - Ordinances

- R5A An Ordinance Merging The Retirement System For General Employees Of The City Of Miami Beach With The Retirement System For Unclassified Employees Of The City Of Miami Beach, Thereby Creating The Miami Beach Employees' Retirement Plan; Implementing Provisions Of The 2003-2006 Collective Bargaining Agreement Between The City And The Communications Workers Of America; Amending Provisions Of The Retirement Plan Applicable To Non-Bargaining Unit And Unclassified Employees; The Changes Will Later Apply To Members Of The American Federation Of County State And Municipal Employees (AFSCME) And Government Supervisors Association (GSA) Bargaining Units Subject To The Collective Bargaining Process And Upon Ratification Of An Agreement By Those Units; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. **10:15 a.m. Second Reading, Public Hearing** (Page 251)
(Labor Relations)
(First Reading on February 8, 2006)

R5 - Ordinances (Continued)

- R5B An Ordinance Amending Miami Beach City Code Chapter 78, Article II Thereof, Entitled "Employee Benefit Plans"; Amending Section 78-81, Entitled "Group Health Insurance," And Section 78-82, Entitled "Health Maintenance Organization," To Require That Employees Make A One-Time Irrevocable Election To Continue Participating In The City Group Health Insurance Or Health Maintenance Organization Program Prior To Termination Of Employment To Be Eligible For Such Continued Participation; Providing That Employees Who Participate In The Defined Contribution Retirement System Must Have Ten Years Of Full-Time City Employment To Be Eligible For Retiree Health Benefits; Providing For Specified City Contributions Toward The Cost Of Retiree Health Coverage For Employees Hired On Or After The Effective Date Of This Ordinance; Implementing Certain Provisions Of The Terms Of Collective Bargaining Agreements Between The City And The AFSCME, GSA And CWA; Providing Certain Exceptions; Repealing All Ordinances In Conflict Therewith; Providing For Severability; Providing For Codification; And Providing For An Effective Date. **10:20 a.m. Second Reading, Public Hearing** (Page 308)
(Labor Relations)
(First Reading on February 8, 2006)

- R5C An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Group IV Classifications, Those Being The Classifications Covered By The Communications Workers Of America (CWA), Local 3178, In Accordance With The Negotiated Agreement; There Shall Be No Wage Increase For Fiscal Year 2003/2004; All CWA Bargaining Unit Employees Shall Be Paid, Prior To Any Other Wage Increase, A One-Time Lump Sum Payment Valued At Three Percent (3%) Of The Employee's Base Pay And His/Her Regular Pay Enhancements And The Overtime That The Employee Earned During Fiscal Year 2003/2004 (I.E. Based On The Employee's Extended Pay Plus Overtime, But Not To Include Any Sick Time Bonus Or Any Differentials Or Allowances); The Above Payment Shall Not Be Pensionable And Shall Not Increase The Employee's Base Pay, Nor Result In Any Adjustment To The Pay Ranges Contained In The Pay For Performance Plan; Effective In The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); The Three Percent (3%) One-Time Lump Sum Payment Referred To Earlier In This Paragraph Shall Not Be Included In The Calculation Of The Six Percent (6%) Cost Of Living Adjustment (COLA); Effective With The First Pay Period Ending In October Of 2005, There Shall Be An Across The Board Wage Increase Of Three And One Half Percent (3.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Three And One Half Percent (3.5%); Amending The Salary Ranges Of The Classifications Specified In The Negotiated Agreement; Creating The Classifications Of Field Inspector I, Field Inspector II, Meter Analyst, Parking Dispatcher, Revenue Processor I And Revenue Processor II; Deleting The Titles Of Coin Room Money Handler, I.D. Technician I And I.D. Technician II; Deleting The Previous Format Of The CWA Section Of The Ordinance And Replacing It With The Current Format Of The Other Sections; Repealing All Ordinances In Conflict; Providing For Severability, Effective Date And Codification. **10:25 a.m. Second Reading, Public Hearing** (Page 319)

(Human Resources)
(First Reading on February 8, 2006)

R5 - Ordinances (Continued)

- R5D An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article VI Entitled "Naming Of Public Facilities And Establishments Of Monuments And Memorials," By Amending Section 82-501, Entitled "Generally", To Provide That The City Owned Building, Located At 2200 Liberty Avenue, Miami Beach, Florida, And Housing The Administrative Offices And Studio And Teaching Facilities Of The Miami City Ballet, Pursuant To The Lease Agreement Between The City, As Landlord, And Miami City Ballet, Inc. As Tenant, Shall Be Exempt From The Provisions Of Said Article VI, For So Long As Said City- Owned Building Is Leased To Miami City Ballet, Inc., A Not For Profit Corporation, And Used By The Ballet For The Aforestated Purposes And In Accordance With The Terms And Conditions Of The Lease Agreement; Providing For Repealer, Severability, Codification And Effective Date. **10:30 a.m. Second Reading, Public Hearing** (Page 338)
(Finance Department)
(First Reading on February 8, 2006)
- R5E An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," By Adding Section 142-1110, Entitled "Mobile Storage Containers," To Regulate Storage Containers; Providing For Repealer, Codification, Severability And An Effective Date. **10:35 a.m. Second Reading, Public Hearing** (Page 344)
(Requested by Commissioner Richard L. Steinberg)
(First Reading on February 8, 2006)
- R5F An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Amending Chapter 82, "Public Property," Article II, "Sale Or Lease Of Public Property," Sections 82-36 Through 89-40, To Expand The Applicability Of The Ordinance To Include Vacations Of Alleys And Rights-Of-Way, And Terminations Of Public Easements On Private Property, With Certain Exclusions, And Amending The Procedures Therefore; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida; Repealer; Severability; And An Effective Date. **10:40 a.m. Second Reading, Public Hearing** (Page 351)
(Requested by Commissioner Richard L. Steinberg)
(First Reading on January 11, 2006)

R5 - Ordinances (Continued)

R5G Parking Pedestal Design Requirements

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off Street Parking", Article III, "Design Standards", To Modify The Requirements For Commercial And Residential Uses In Front Of Certain Portions Of A Parking Garage; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", By Amending Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", Section 142-156 To Modify The Requirements For New Construction To Require Residential Uses In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", Subdivision V, "RM-3 Residential Multifamily High Intensity", Division 4, "CD-1 Commercial, Low Intensity District", Division 5, "CD-2 Commercial, Medium Intensity District", Division 6, "CD-3 Commercial, High Intensity District", And Division 13, "MXE Mixed Use Entertainment District", To Add New Sections Specifying Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Division 18, "Performance Standard District", Section 142-695, To Add New Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; Providing For Repealer, Codification, Severability And An Effective Date.

10:50 a.m. Second Reading, Public Hearing (Page 359)

(Planning Department)

(First Reading on February 8, 2006)

R5H Development Regulations For Single-Family Lots Abutting A GC-Golf Course District

An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Creating Section 142-109, "Development Regulations For Single-Family Lots Abutting A GC Golf Course District," Providing For Legal, Non-Conforming Status For Existing Structures, Rear Setbacks And Encroachments Into Easement Areas; Providing For Repealer, Severability, Codification And An Effective Date. **5:01 p.m. First Reading**

(Page 374)

(Planning Department)

(Continued from December 7, 2005)

R5 - Ordinances (Continued)

- R5I An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-151, Entitled "Definitions," To Provide New Terms And Definitions And Deleting Certain Terms And Definitions; Amending Section 46-152, Entitled "Unreasonably Loud Noise Prohibited," By Amending The Title And Adopting Section 21-28 Of The Code Of Miami-Dade County By Reference; Amending Section 46-153, Entitled "Responsibility For Compliance," By Amending The Provisions Thereof; Repealing Section 46-154, Entitled "Noise Level In Specific Area"; Repealing Section 46-155, Entitled "Additional Sound Limitations For Public Property"; Amending Section 46-156, Entitled "Temporary Permits," By Expanding The Prohibited Areas For Construction Noise To Within 300 Feet Of Certain Districts And Amending The Exemptions For Special Events And Film Permits; Amending Section 46-157, Entitled "Exemptions," And By Deleting Subsection (11) And Amending The Provisions Thereof; Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation," By Amending The Procedures For Enforcement And Warnings; Amending Section 46-159, Entitled "Civil Fines For Violation; Appeals," By Amending The Fines And Penalties For Violations, The Appeal Procedures, And The Alternate Means Of Enforcement; Amending Section 46-161, Entitled "Motor Vehicle Alarms" By Amending The Provisions Concerning Violations; Providing For Codification, Repealer, Severability, And An Effective Date. **5:02 p.m. Second Reading, Public Hearing** (Page 389)
(City Manager's Office)
(Continued from January 11, 2006)

- R5J An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 4, "CD-1 Commercial, Low Intensity District," Section 142-275 "Prohibited Uses" Of The City Code, To Prohibit Dance Hall And/Or Entertainment Establishment Uses In The CD-1 Commercial Low Intensity Zoning District; Providing For Codification, Repealer, Severability And Effective Date. **First Reading** (Page 424)
(Planning Department)

R7 - Resolutions

- R7A A Resolution Providing For Additional Appropriations From The FY 2005/06 Pay-As-You-Go Capital Fund For The Following Projects: 1) Sidewalk And Street Restoration In North, Mid, And South Beach (\$210,000); 2) Normandy Isle Neighborhood Improvements (\$875,000); 3) Furniture Fixtures And Equipment For Fire Stations 2 And 4 (\$420,000); And 4) Flamingo Park - Pool Deck Lighting (\$125,000); And 5) Scott Rakow Youth Center Additional Improvements (\$2 Million). (Page 432)
(Budget & Performance Improvement)
- R7B A Resolution Authorizing The Appropriation Of \$864,145 In Fiscal Year 2004-05 Peoples' Transportation Plan (PTP) Fund Balance For The Following Transportation Projects: \$50,000 For Technical Support To Transportation To Be Provided, As Needed, By City Rotational Transportation Planning/Traffic Engineering Consultants; And \$814,145 To Fund Citywide Right-Of-Way Improvement Projects. (Page 439)
(Public Works)

R7 - Resolutions (Continued)

- R7C A Resolution Authorizing Four Loans From The City Of Gulf Breeze, Florida Local Government Loan Pool Program And, As Evidence Of Such Loans, The Issuance Of (I) Not To Exceed \$18,300,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Water And Sewer Revenue Bonds, Taxable Series 2006B-2, And Not To Exceed \$5,700,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Water And Sewer Revenue Bonds, Taxable Series 2006e, For The Principal Purpose Of Paying The Cost Of Certain Improvements To The Water And Sewer Utility, Pursuant To Section 209 Of Resolution No. 95-21585 Adopted By The City On May 17, 1995, And (li) Not To Exceed \$8,500,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Water And Sewer Revenue Refunding Bonds, Taxable Series 2006B-1, And Not To Exceed \$27,500,000 In Aggregate Principal Amount Of City Of Miami Beach, Florida Water And Sewer Revenue Refunding Bonds, Taxable Series 2006C, For The Principal Purpose Of Refunding All Or A Portion Of The City's Outstanding Water And Sewer Revenue Bonds, Series 1995, Pursuant To Section 210 Of Said Resolution No. 95-21585; Providing That Said Loans And Series 2006 Bonds Shall Be Payable Solely As Provided In Said Resolution No. 95-21585, Certain Loan Agreements Relating To The Loans And This Resolution; Providing Certain Details Of The Loans And The Series 2006 Bonds; Delegating Other Details And Matters In Connection With The Loans, The Issuance Of The Series 2006 Bonds And The Refunding Of The Bonds To Be Refunded, Within The Limitations And Restrictions Stated Herein; Authorizing The Negotiated Borrowing And Sale Of The Series 2006 Bonds, Within The Limitations And Restrictions Stated Herein; Approving The Forms Of And Authorizing The Execution, Authentication And Delivery Of The Series 2006 Bonds; Appointing A Bond Registrar For The Series 2006 Bonds; Approving The Forms Of And Authorizing The Execution Of The Loan Agreements; Providing For The Application Of The Proceeds Of The Series 2006 Bonds And Creating Certain Funds And Accounts; Authorizing The Refunding, Defeasance And, As Applicable, Redemption Of The Bonds To Be Refunded; Approving The Form Of And Authorizing The Execution And Delivery Of An Escrow Deposit Agreement And Appointing An Escrow Agent; Approving The Forms Of And Use Of Certain Disclosure Information; Approving The Form And Authorizing The Execution Of A Continuing Disclosure Certificate; Approving And Ratifying The Retention Of A Financial Advisor; Authorizing Officers And Employees Of The City To Take All Necessary Related Actions; And Providing For An Effective Date. (Page 446)
(Finance Department)
- R7D A Resolution Approving The Agreement Between International Business Machines (IBM) Corporation And The City Of Miami Beach, For The Design, Deployment, And Management Of A Citywide Wireless Network (Wi-Fi); In The Base Estimated Amount Of \$4,498,800, Which Includes The Cost For The Network Infrastructure, Architecture And Design Services, Installation, And Six (6) Years Of Operation, Maintenance, Project Management, Support And Warranty Services; Option No. 2 For A 100% Citywide Access In The Estimated Amount Of \$669,000; Project Contingency In The Amount Of \$248,771; Acceptance Of Public Benefits Offered By IBM; Authorizing The Mayor And City Clerk To Execute An Agreement With IBM; And Further Appropriating Funds In The Amount Of \$1,886,652 From The Information And Communication Technology Fund. (Page 469)
(Finance Department)
- R7E A Resolution Relating To The Annual Evaluation Of The City Manager; Receiving The City Manager's Report And Adjusting His Employment Contract Accordingly. (Page 522)
(City Manager's Office)
(Memorandum & Resolution to be submitted in Supplemental)

R9 - New Business and Commission Requests

- R9A Board And Committee Appointments. (Page 525)
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments. (Page 529)
(City Clerk's Office)
- R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.) (Page 555)
R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C Discussion Regarding The Normandy Isle Park And Pool Project. (Page 557)
(Capital Improvement Projects)
- R9D Discussion And Referral To The Finance And Citywide Projects Committee - Mount Sinai Medical
Center Request For Hurricane Mitigation Funding. (Page 561)
(Requested by Commissioners Richard L. Steinberg, Simon Cruz & Luis R. Garcia, Jr.)
- R9E The Committee Of The Whole Will Meet During Lunch Break In The Mayor's Conference Room To
Discuss The City Manager's Performance Evaluation. (Page 573)
(Requested by Mayor David Dermer Pursuant to Commissioner Richard L. Steinberg's Request)
- R9F Discussion Regarding A Resolution Urging The Florida Legislature To Ratify The Proposed Equal
Rights Amendment To The United States Constitution And Authorizing The City Clerk To Send
Certified Copies Of This Resolution To The President Of The Florida Senate, The Speaker Of The
Florida House, And The Governor Of Florida. (Page 575)
(Requested by Mayor David Dermer)
- R9G Discussion Regarding Procedure For Distributing Homeowner's Dividend Fund. (Page 579)
(Requested by Commissioner Richard L. Steinberg)

Reports and Informational Items

- A City Attorney's Status Report. (Page 582)
(City Attorney's Office)
- B Parking Status Report. (Page 586)
(Parking Department)
- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire
Station No. 2. (Page 624)
(Capital Improvement Projects)
- D Status Report On The Construction Of Fire Station No. 4. (Page 626)
(Capital Improvement Projects)
- E Status Report On The Normandy Isle Park And Pool Project. (Page 628)
(Capital Improvement Projects)
- F Status Report On Pump Station No. 28. (Page 630)
(Capital Improvement Projects)
- G Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County,
U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Page 632)
(Procurement)

End of Regular Agenda

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



Office of the City Clerk

HOW A PERSON MAY APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON CABLE CHANNEL 77, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE NO EARLIER THAN 9:00 A.M. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum is split into two (2) sessions, 1:30 p.m. and 5:30 p.m., or as soon as possible thereafter, provided that the Commission Meeting has not already adjourned prior to the time set for either session of the Forum. In the event of adjournment prior to the Stanley Sutnick Citizens' Forum, notice will be posted on Cable Channel 77, and posted at City Hall. Approximately thirty (30) minutes will be allocated for each session, with individuals being limited to no more than three (3) minutes or for a time period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.
2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on the Monday prior to the Commission regular meeting. The complete Agenda, including all backup material, is available for inspection the Monday and Tuesday prior to the Commission meeting at the City Clerk's Office and at the following Miami Beach Branch Libraries: Main, North Shore, and South Shore. The information is also available on the City's website: <http://miamibeachfl.gov>.
3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office no later than noon on Tuesday of the week prior to the scheduled Commission meeting to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.
4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on item(s) listed on the Agenda, other than public hearing items and the Dr. Stanley Sutnick Citizens Forum, should call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m., no later than the day prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.
5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a public hearing may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.
6. If a person wishes to address the Commission on an emergency matter, which is not listed on the Agenda, there will be a period allocated at the commencement of the Commission Meeting when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes, or for a longer or shorter period, at the discretion of the Mayor.

**2006 Schedule of City of Miami Beach
City Commission and Redevelopment Agency (RDA) Meetings**

Meetings begin at 9:00 a.m. and are held in the City Commission Chambers, 3rd Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

CITY COMMISSION MEETINGS

January 11 (Wednesday)

February 8 (Wednesday)

March 8 (Wednesday)

April 11 (Tuesday)

May 10 (Wednesday)

June 7 (Wednesday)

July 12 (Wednesday)

August - City Commission in Recess

September 6 (Wednesday)

October 11 (Wednesday)

November 8 (Wednesday)

December 6 (Wednesday)

ALTERNATE MEETINGS

January 18 (Wednesday)

February 15 (Wednesday)

March 15 (Wednesday)

April 18 (Tuesday)

May 17 (Wednesday)

July 26 (Wednesday)

October 18 (Wednesday)

November 15 (Wednesday)

December 13 (Wednesday)

The "alternate" City Commission meeting date have been reserved to give the Mayor and City Commission the flexibility to carry over a Commission Agenda item(s) to the "alternate" meeting date, if necessary. Any Agenda item(s) carried over will be posted on the City's website, aired on Government Channel 20, or you may call the City Clerk's office at 305-673-7411.

Dr. Stanley Sutnick Citizens' Forum will be held during the first Commission meeting each month. The Forum will be split into two (2) sessions, 1:30 p.m. and 5:30 p.m. Approximately thirty (30) minutes will be allocated per session for each of the subjects to be considered, with individuals being limited to no more than three (3) minutes. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

Condensed Title:

Ordinance merging the retirement system for general employees of the City with the retirement system for unclassified employees of the City, thereby creating the Miami Beach Employees' Retirement Plan; implementing provisions of the 2003-2006 collective bargaining agreement between the City and the CWA; and amending provisions of the retirement plan applicable to non-bargaining unit and unclassified employees.

Key Intended Outcome Supported:

Attract and maintain a quality workforce.

Issue:

Should the City adopt this ordinance that will merge the retirement system for the general employees of the City with the retirement system for unclassified employees of the City, creating the Miami Beach Employees' Retirement Plan?

Item Summary/Recommendation:

This ordinance merges the retirement system for general employees of the City of Miami Beach with the retirement system for unclassified employees of the City of Miami Beach, thereby creating the Miami Beach Employees' Retirement Plan; implements provisions of the 2003-2006 collective bargaining agreement between the City and the CWA; amends provisions of the retirement plan applicable to non-bargaining unit and unclassified employees; the changes may later apply to employees who are represented by the AFSCME and GSA bargaining units, conditioned upon the subsequent ratification by those units of an agreement reached via the collective bargaining process.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1	\$4.5 million	Various funds	
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Office of Labor Relations

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	<i>R. Bragado</i>	<i>Jung</i>

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MIAMIBEACH

AGENDA ITEM R5A
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, MERGING THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES OF THE CITY OF MIAMI BEACH WITH THE RETIREMENT SYSTEM FOR UNCLASSIFIED EMPLOYEES OF THE CITY OF MIAMI BEACH, THEREBY CREATING THE MIAMI BEACH EMPLOYEES' RETIREMENT PLAN; IMPLEMENTING PROVISIONS OF THE 2003-2006 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE COMMUNICATIONS WORKERS OF AMERICA; AMENDING PROVISIONS OF THE RETIREMENT PLAN APPLICABLE TO NON-BARGAINING UNIT AND UNCLASSIFIED EMPLOYEES; THE CHANGES WILL LATER APPLY TO MEMBERS OF THE AMERICAN FEDERATION OF COUNTY STATE AND MUNICIPAL EMPLOYEES (AFSCME) AND GOVERNMENT SUPERVISORS ASSOCIATION (GSA) BARGAINING UNITS SUBJECT TO THE COLLECTIVE BARGAINING PROCESS AND UPON RATIFICATION OF AN AGREEMENT BY THOSE UNITS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION:

Adopt the Ordinance on the second and final reading.

DISCUSSION DURING THE FIRST READING – FEBRUARY 8, 2006

During the first reading of this ordinance, the City Commission made and passed a motion to change the multiplier for appointed and elected officials from 4% to 3%. This change has been reflected in the final ordinance. The Commission also agreed to have further discussion on this matter, during the second reading. In addition, the Commission suggested that employees who administer the general and unclassified pension systems, employees who administer the Police and Fire pension system and employees of the Visitor and Convention Authority (VCA) be allowed to participate in the City's pension system. Therefore, language has been added to the ordinance that will allow these employees to participate in the City's pension system, providing it is determined to be legal and further providing that the City plan will accept rollovers and direct transfers from their 401 plans if those plans permit such transfers.

BACKGROUND:

In the early 1990s, the City of Miami Beach enacted a series of changes to the then existing pension systems, affecting both the sworn and civilian employees. These changes essentially resulted in a two-tier system of benefits. Years later, further changes were made to the Police and Fire pension systems, which fundamentally reinstated most of the pension reductions made in the early 1990s for Police and Fire personnel. Since that time, the topic of pension and the disparity of benefit levels among various employees in the City has, from time to time, become a very heated and sometimes fractious topic.

Recently, there has been a convergence of issues that, once again, brought the topic of pensions to the forefront. This convergence has resulted in the present proposal to make targeted enhancements to the pension system for employees in order to create a unified and more equitable system for all employees.

The issues that have helped bring this topic to its present proposal are as follows and are more fully detailed below:

1. Unclassified employees request an enhancement to Retiree Cost of Living Adjustment (COLA) provision;
2. Richard McKinnon et al vs. City of Miami Beach pension lawsuit
3. Communication Workers of America (CWA) Collective Bargaining Process and Subsequent Impasse Proceedings

1. Unclassified employees request an enhancement to Retiree Cost of Living Adjustment (COLA) provision

Last year, an item was placed on the agenda to consider an increase to the unclassified retiree COLA. The request was to increase the COLA amount for the Unclassified Pension System to the same level as the Classified Pension System from 1.5% compounded for Tier A employees and 1.5% simple for Tier B employees to 2.5% compounded for all City employees.

During the September 19, 2005 Commission meeting, the City Manager suggested that the one particular item on the agenda for the retiree COLA was only a small part of the overall review of our pension system that was already in progress. Additionally, the City was also in the midst of collective bargaining with the CWA bargaining unit, which was also proposing several pension reform changes. The Administration pointed out that since there are a total of five City collective bargaining units, any changes made to any one of these units, could potentially prompt requests from any of the other bargaining units. The enhancements as proposed by the CWA at that time were estimated to cost the City approximately \$3.1 million dollars for the CWA membership alone, and \$7.9 million dollars if extended to all civilian City employees each year. The City Commission directed the Administration to complete its holistic review of the City's pension system. Until such time as the City-wide review was completed, the item was deferred from consideration.

2. McKinnon et. al vs. City of Miami Beach pension lawsuit

Filed in 2001, this class action lawsuit sought to have the ordinances that increased the employee pension contributions from 8% to 10% declared invalid. This would have reduced the employee contribution back to 8%. The lawsuit further demanded that all employee pension contributions in excess of 8% that have been made since 1997 be refunded. The class action was composed of all participants in the General Employees Retirement System who were making a contribution of 10%. On November 22, 2005, the McKinnon et al vs. City of Miami Beach pension lawsuit was argued before the court for a second time. After hearing arguments from all parties, Judge Gisselle Cardone Ely ruled orally in favor of the

City and also ruled that the lawsuit was barred by the statute of limitations and that all members of the class whose positions were covered by bargaining units could not now challenge the 10 percent contribution rate to which they had agreed through their respective unions. Therefore, the City prevailed in this lawsuit. On December 21, 2005, Judge Ely entered a final order granting the City's motion for summary judgment.

3. CWA Collective Bargaining Process and Subsequent Impasse Proceedings

On June 26, 2003, the Administration and the CWA held the first session to collectively bargain a new labor contract. Both sides proposed significant changes to the existing contract. The Administration attempted throughout the course of negotiations to limit each side to focus on a "short list" (a manageable number of proposals). Twelve collective bargaining sessions were held and numerous proposals were made in an attempt to negotiate a mutually agreeable contract but at each subsequent meeting, the parties remained apart on several issues.

Based on the length of time that had passed, and the inability of the parties to agree on the proposals, the Administration felt that a declaration of impasse was the only option left. In order to bring resolution to the contract, (which had expired on September 30, 2003) and after consulting with the City Commission, on November 10, 2004, in accordance with the procedures defined in the Florida Statutes, the Administration sent a letter to the CWA President and the Public Employees Relations Commission (PERC) declaring an impasse.

After the declaration of impasse and during the next several months, the parties attempted to mediate a contract through the use of a Special Magistrate. Although the Special Magistrate made several recommendations to the parties, the Administration felt that the majority of these recommendations disregarded the overall interest of the City. Therefore, according to the statutory impasse procedures, the disputed items were to be decided upon by the City Commission at a public hearing, which was scheduled for August 1, 2005.

During the impasse hearing on August 1, 2005, both the CWA and the Administration presented and explained their recommendations on the various disputed items to the Mayor and City Commission. At the conclusion of the impasse hearing, the City Commission recommended that the following three main impasse items: (1) wages, (2) pension and (3) health insurance, be referred to the September 14, 2005 Finance and Citywide Projects Committee for their review and further recommendations.

REVIEW OF PENSION SYSTEMS

Currently, the City has six different pension systems. They include the (1) Police and Fire pension plan, (2) Tier A Classified Pension Plan, (3) Tier B Classified Pension Plan, (4) Tier A Unclassified Pension Plan, (5) Tier B Unclassified Pension Plan and (6) 401A plan. Participation in these plans depends on the date an employee was hired, the classification the employee was hired into and the election of benefit they made when they were hired. The pension plans (Police and Fire pension plan, Tier A Classified Pension Plan, Tier B Classified Pension Plan, Tier A Unclassified Pension Plan and Tier B Unclassified Pension Plan) are considered defined benefit plans and the 401A plan is considered a defined contribution plan.

A key element of the various City retirement systems is the bifurcation which took place in the early 1990s. This bifurcation created two tiers of benefits for general and unclassified employees. Tier A employees are those who were employed by the City prior to the bifurcation date, and generally enjoyed more generous pension benefits. On the other hand, Tier B employees were hired after the bifurcation date and generally have a lower level of benefits. The respective bifurcation dates are as follows:

CWA – February 21, 1994
 AFSCME – April 30, 1993
 GSA – August 1, 1993
 Unclassified – October 18, 1992
 Others – August 1, 1993

The comprehensive review was completed by the Administration with the goals of (1) being fair to all affected employees, (2) making the pension plans as similar as possible for all affected employees, (3) maintaining fiscal responsibility and (4) benefiting as many employees as possible.

At the Finance and Citywide Projects Committee meeting held on October 6, 2005, the Administration presented a thorough review of the City's various retirement plans that affect civilian bargaining units, including the CWA, the American Federation of State, County and Municipal Employees (AFSCME), the Government Supervisors Association (GSA), the non-unionized Classified employees and the Unclassified employees and the varying levels of benefits each group received.

The Administration provided detailed information which compared the main benefits, similarities and differences in the five civilian defined benefit plans. It was clear that the Tier A Classified plan contained the most desirable benefits, followed by the Tier A Unclassified plan, then the Tier B classified plan, followed by the Tier B Unclassified plan, and finally the 401A plan contained the least desirable benefits. For example, under the Tier A Classified and Unclassified Plans, an employee can retire, (start collecting benefits) at age 50, whereas, under both Tier B plans the retirement age is 60. The vesting period under both Tier A plans is five years, whereas, under both Tier B plans, a ten (10) year vesting period is required. Only the Tier A Classified Plan allows an employee to retire with 90% of their pensionable earnings, whereas, the Tier A unclassified plan and both Tier B plans have an 80% maximum earnings payout. The defined contribution 401 A plan simply provides an annual allotment invested by the employee for pension purposes, but provides no guaranteed level of pension benefit upon retirement. Employees in the 401 A plan were requesting an opportunity to fully fund and migrate or move into a defined benefit plan. Exhibit A (attached) is a comparison of the City's five current civilian pension plans.

The review included an analysis of our employees, their tenure, their classification and their participation in the various plans. This analysis helped determine the relative impact of each of the enhancements and their projected costs.

The breakdown of employees in each of the civilian pension plans are as follows:

	Classified	Unclassified	Total
	% of employees	% of employees	
Tier A	24%	18%	23%
Tier B/401A	76%	82%	77%

Furthermore, of the 225 current members of the classified Tier A pension, 149 employees (or approximately 66%) are currently at retirement age, or will reach retirement age within five years.

Consequently, the revisions proposed do not simply raise every employee to the Tier A level. Instead, the proposals provide targeted enhancements that make the plan comparable across employee classes on all but a few pension elements.

PROPOSED AMENDMENTS

Tier A Classified and Unclassified:

The Administration presented a plan which examined all of the different components of each of the five existing civilian pension plans. Not only did Tier A classified employees have the “richest plan,” but the plan also contained a benefit which allowed all overtime pay to be included in the employee’s pensionable earnings. This benefit could, and has allowed employees to retire with average final earnings that are significantly higher than the base earnings the employee had earned throughout his career. This was clearly not the purpose of a City pension, as a “pension” is designed to replace a similar salary or standard of living the employee was accustomed to. Therefore, part of the proposal was to limit the amount of overtime pay that could be included in pensionable earnings to 10% of the employee’s annual pay. The Tier A employees will also receive several enhancements under the Administration’s proposed plan, which include the following:

- A two-year pension “buy-back” for past service will be available for employees with prior government, military or similar private sector experience (in accordance with section 112.65, Florida State Statutes);
- Employees who have reached their maximum pension benefit accrual (90% based on years of service or 80% for unclassified employees) but who have not yet reached retirement age, will continue to contribute to the pension plan, but only for that portion of their salary which is incrementally higher than their salary at the time they reached their maximum pension benefit accrual.
- A two-year early out window for those Tier A Classified employees ages 48 and 49, which allows employees to retire early without penalty, but with no benefit reduction for early retirement.
- Allow employees the option of a partial lump sum distribution up to 25%;
- There will be no negative impact on the pension of a promoted employee.
- For Tier A unclassified employees, the Final Average Monthly Earnings (FAME) will be changed from a calculation of the highest year to the average of the two highest years, which is considered a reduction in benefits.
- Increase the retiree COLA from 1.5% compounded to 2.5% compounded for the unclassified employees.
- Increase the service connected disability from 50% to 60% of FAME for unclassified employees.
- Increase the non service connected disability from 25% to 35% of FAME for unclassified employees.

Tier B Classified and Unclassified:

- Reducing the retirement age from 60 to 55.
- Reducing the vesting requirement from 10 years to 5 years.
- A two-year pension “buy-back” for past service will be available for employees with government, military or similar private sector experience (in accordance with section 112.65, Florida State Statutes).
- Improving the Final Average Monthly Earnings (FAME) from a calculation of the average of the three years to the average of the two highest years;
- Reducing the employee pension contribution from 10% to 8%.

- Allow employees the option of a partial lump sum distribution up to 25%.
- There will be no negative impact on the pension of a promoted employee.
- Employees who have reached their maximum pension benefit accrual (80% based on years of service) but who have not yet reached retirement age will continue to contribute to the pension plan, but only for that portion of their salary which is incrementally higher than their salary at the time they reached their maximum pension benefit accrual.
- Increase the retiree COLA from 1.5% simple to 2.5% compounded for the unclassified employees.

Allow the 401A employees to migrate into the pension plan.

The Administration further proposed that the Unclassified System and Classified System be merged into one retirement system, which would result in administrative and other cost savings to the City. Exhibit B (attached) is an overview of the new pension proposals which highlights the adjustments in benefits for each group. Exhibit C (attached) illustrates the similarities of the newly proposed pension system across all five plans. It should be noted that with only a few exceptions, namely the retirement age, accrual rate and cap, and an early retirement incentive program for the Tier A classified employees, the system now has a comparable level of benefits for all civilian employees regardless of classification or tenure with the City. Further, in accordance with federal law, the proposed pension changes will not reduce the accrued benefits of any employee.

At the October 6, 2005 Finance and Citywide Projects Committee meeting, the Committee conceptually approved the amendments and directed the Administration to meet with representatives of the CWA and representatives from the other civilian bargaining units (AFSCME and GSA), to study and discuss possible 401A migration methods and related cost estimates (this meeting was held on October 14, 2005). Both the Administration and the CWA agreed upon a method to allow the 401A employees a "window" period to transfer to the defined benefit pension plan. Employees who elect to transfer to the defined benefit plan will be able to use the funds they have accumulated in the 401A plans and 457 deferred compensation plans to buy the period of their City employment under the defined benefit plan. Employees will also be able to use their accrued annual vacation and sick leave to buy prior service in the 401A plan or for the buy-back of service (If accrued annual vacation leave is used, it will be valued on a one-for-one basis and If accrued annual sick is used it will be valued on a one-for-two basis). In addition, any use of sick or annual leave for buy back purposes shall be deducted from any final payout of sick or annual leave time at the time of termination, resignation or retirement. The purchase amount is based upon how much the employee and the City would have paid into the pension plan, had the employee joined the pension plan instead of the 401A plan on their first day of employment, plus interest. Appropriate amendments will be made to the City's 401A and 457 deferred compensation plans to permit the transfer of funds to the new retirement plan for the purchase of past service.

At the October 19, 2005 City Commission meeting, after hearing alternative proposals from CWA representatives, as well as representatives of the AFSCME and GSA unions, the City Commission considered all of the factors and costs and ultimately adopted the recommendation of the Finance and Citywide Projects Committee to merge the retirement plans and implement the other City retirement proposals. The City Commission also urged the CWA to withdraw the McKinnon et. al vs. City of Miami Beach pension lawsuit.

On December 7, 2005, the City Commission passed a resolution resolving the remaining impasse items between the Administration and the CWA. The recommendation included, among other items, the Administration's recommendation for Citywide pension reform.

A summary of the benefit enhancements and other retirement changes are as follows:

1. **Two Year "Buy-Back" For Past Service Option** - Any member with five or more years of service will be able to purchase up to two years of creditable service under the pension plan earned prior to the employee's date of hire by the City, provided that the employee may not purchase such service credit if the employee has received or will be receiving a pension benefit for the same period of employment under another retirement plan in accordance with state law (section 112.65, Florida State Statutes). Eligible prior service will include military service in the United States armed forces or Coast Guard, full-time employment with another governmental entity, or full-time employment in the private sector performing the same or very similar duties the employee is performing for the City at the time of their election to purchase additional service. Employees electing to purchase such service must pay 10% of his/her annual rate of pensionable earnings multiplied by the number of years and fractions of a year purchased. This benefit will apply to all employees covered by the new retirement plan (subject to future negotiations with AFSCME and GSA).
2. **Early Retirement Incentive Plan** - An Early Retirement Incentive Plan (ERIP) is provided for Tier A classified employees who are at least 48 years of age or attain age 48 within 90 days of the effective date. The amount of benefit payable to each member at the time of retirement will be equal to the pension benefit accrued by the member with no reduction for early retirement. The amount of the retirement benefit payable to each member who elects to retire under this ERIP is equal to the pension benefit accrued by such member at the time of retirement, but with no reduction for early retirement. (This option is available only to "Tier A" classified employees and only for a ninety (90) day period) This benefit will apply to all employees covered by the new retirement plan (subject to future negotiations or me-too clauses with AFSCME and GSA).
3. **Partial Lump Sum Distribution** - A member who retires under normal retirement shall be allowed to convert up to 25% of the actuarial value of their pension benefit into a lump sum distribution. For example, if the normal retirement benefit is equal to \$2,000 per month, the member may receive \$2,000 per month, or the combination of \$1,500 per month plus a single lump sum equal to the actuarial value of the other \$500. This benefit will apply to all employees covered by the new retirement plan (subject to future negotiations with AFSCME and GSA).
4. **Reduction in Member Contributions Upon Reaching Pension Cap** - The Plan will provide that when a member reaches the applicable pension cap (maximum benefit percentage), their pensionable earnings will be recorded. Thereafter, the member's contribution to the plan will be the applicable contribution rate but applied only to pensionable earnings in excess of the recorded amount. This benefit will apply to all employees covered by the new retirement plan (subject to future negotiations with AFSCME and GSA).
5. **10% Cap on Overtime included in pensionable earnings** - For those classified employees whose overtime is currently included in the Final Average Monthly Earnings (FAME) calculation, any overtime included in pensionable earnings received after the effective date will be limited to a maximum of 10% above the employee's highest pensionable compensation each year. This will apply to all employees covered by the new retirement plan (subject to future negotiations with AFSCME and GSA).
6. **Final Average Monthly Earning Computation (FAME)** - The FAME will be the average of the two highest years. For those employees hired after their respective bifurcation dates, the Final Average Monthly Earnings will be revised from a three year average to a two year average. For those unclassified employees hired prior to October 18, 1992, the Final Average Monthly Earnings will be reduced from a one year average to a two year average, provided that the average for such employees will not be less than the

employee's earnings for the 12 months immediately preceding the effective date of the ordinance. This benefit will apply to all employees covered by the new retirement plan (subject to future negotiations with AFSCME and GSA).

7. **Contribution Rate Reduction** - For those employees hired after their respective bifurcation dates and for those employees currently in the 401A plan who elect to migrate into the pension system, the contribution rate will be changed from 10% to 8% of pensionable earnings, prospectively. For employees electing to remain in the 401A, both the employee and the City contributions will be reduced to 8%. All participants may also elect to participate in an optional, voluntary employee funded 401A plan and/or 457 deferred compensation plan. This benefit will apply to all employees covered by the new retirement plan (subject to future negotiations with AFSCME and GSA).

8. **Reduction in Vesting Requirement** - The minimum vesting requirement for members of the new post 2005 plans is reduced from 10 years to 5 years. Thus, all employees in the new plan will become fully vested after 5 years of service (subject to future negotiations with AFSCME and GSA).

9. **Reduction in Normal Retirement Age** - The normal retirement age for members of the new post 2005 plan is reduced from 60 to 55. This benefit will apply to all employees covered by the new retirement plan (subject to future negotiations with AFSCME and GSA).

10. **Retirement COLA** - The annual cost of living adjustment (COLA) for unclassified employees will be increased to 2.5% (compounded) to reflect the same retirement COLA that previously existed in the classified plans. Thus, all employees in the new plan will have the same COLA benefit (subject to future negotiations with AFSCME and GSA).

11. **Service Connected Disability** - The benefit for unclassified employees hired prior to October 18, 1992, will be increased from 50% to 60%, which will equalize this benefit for the new post 2005 plan. This benefit will apply to all employees covered by the new retirement plan (subject to future negotiations with AFSCME and GSA).

12. **Non Service Connected Disability** - The benefit for unclassified employees hired prior to October 18, 1992, will be increased from 25% to 35%, which is the same as the benefit for all other employees. This benefit will apply to all employees covered by the new retirement plan (subject to future negotiations with AFSCME and GSA).

13. **No pension impact upon promotions** - There will be no negative impact on the pension of a promoted employee. This benefit will apply to all employees covered by the new retirement plan (subject to future negotiations with AFSCME and GSA).

14. **One-Time Option for Employees covered by 401(a) Plans** - Employees who elected to participate in the 401A Plans will have a one-time irrevocable option to transfer to the new retirement plan. The cost to convert each employee will be calculated to ensure appropriate costs. This decision shall be irrevocable and must be made within 6 months after the date that the City Commission passes a second reading on the ordinance amending the pension plan to include this option. This benefit will apply to all employees covered by the new retirement plan (subject to future negotiations with AFSCME and GSA).

15. **Retiree Health Insurance** - For all employees hired after the effective date of the Ordinance, the retire health contribution by the City will be a fixed monthly amount based upon each eligible employee's years of creditable service. (This will be accomplished through a companion ordinance on this agenda). This benefit will apply to all employees covered by the new retirement plan (subject to future negotiations with AFSCME and GSA).

The new plan also incorporates and updates the preservation of benefits plan that was previously adopted in Resolution No. 89-19808. The preservation of benefits plan is authorized by the U.S. Internal Revenue Code (IRC), and provides for payment by the City of any benefits that exceed the maximum benefit limits in Section 415 of the IRC.

Unclassified employees are not subject to the collective bargaining process. Therefore, the unclassified employees hired prior to October 18, 1992, will be given the following three options: (1) Elect to retain the same contributions, requirements and benefits, currently provided for Tier A members of the unclassified plan; (2) Elect to participate in the pension plan as described on the attached chart under "Tier A", with all contributions, requirements and benefits as provided in the new ordinance for members who joined the unclassified plan prior to January 1, 1992, and remained in the unclassified plan continuously from that date until the effective date of the new plan; or (3) Elect to participate in the new pension plan provided to employees hired after the bifurcation date, as described in the attached chart under "Tier B/401A" with all contributions, requirements and benefits as provided in the new ordinance for members who joined the unclassified plan on or after October 18, 1992.

On January 19, 2006, the Administration and the CWA finalized the details of the contract language that would be implemented in the new collective bargaining agreement. The CWA agreed not to appeal the court's decision regarding the McKinnon et. al vs. City of Miami Beach lawsuit and this language was incorporated into the collective bargaining agreement. On February 1, 2006, the CWA conducted a ratification vote, which approved the three (3) year collective bargaining agreement and therefore, accepted, among other benefits, the Administration's pension proposals. The ratification vote was approved by 274 (89%) of the employees who voted (a total of 308 voted) and are represented in classifications covered by the CWA collective bargaining agreement.

Under authority of Chapter 18691, Laws of Florida, Acts of 1937, as amended, the proposed ordinance will merge the Classified System and the Unclassified System and form the "Miami Beach Employees' Retirement Plan."

The new plan contains benefit enhancements that affect elected officials and appointed City officials. These officials now have the option of participating in the Miami Beach Employees' Retirement Plan or electing to participate in an alternate plan. In recognition of the fact that most elected and appointed officials do not have lengthy careers with any one public entity, many public retirement plans, including the Florida Retirement System (FRS) provide additional benefits for elected officials and appointed managers. The new City retirement plan provides a 4% benefit multiplier for service as an elected official, City Manager or City Attorney, and up to a maximum benefit of 80% of final average earnings. Earnings for such officials include total W-2 compensation plus any other payments, expenses or allowances.

The retirement provisions proposed will apply ten days after the second reading of this pension ordinance to members of the CWA bargaining unit, Classified employees who are not in any bargaining unit, Unclassified employees and elected and appointed officials who are employed on the effective date and who retire or terminate City employment thereafter, except as otherwise specifically provided in the ordinance. The changes will be the subject of upcoming negotiations between the Administration and the AFSCME and GSA bargaining units, and thus will not apply to employees represented by those bargaining units until the conclusion of the collective bargaining process with those units.

FISCAL IMPACT

The City's pension actuary Gabriel, Roeder, Smith and Company has estimated that the cost of the pension enhancements under the proposed merger of the retirement systems for General Employees and the Unclassified Employees is approximately \$4.5 million. Approximately half of the increase is due to the cost of allowing employees currently in the 401A Defined contribution plan to migrate to the merged pension plan. The increased cost would be incorporated into the actuarial valuation report for the Fiscal Year ending September 30, 2006 to be programmed as part of the FY 2006/07 operating budget.

Administrative and other cost savings of approximately \$200,000 are anticipated due to the merging of the two systems.

CONCLUSION

The Administration recommends adopting the Ordinance on the second and final reading, merging the retirement system for general employees of the City of Miami Beach with the retirement system for unclassified employees of the City of Miami Beach, thereby creating the Miami Beach Employees' Retirement Plan; implementing provisions of the 2003-2006 collective bargaining agreement between the City and the CWA; amending provisions of the retirement plan applicable to non-bargaining unit and unclassified employees; the changes may later apply to employees who are represented by the AFSCME and GSA bargaining units, conditioned upon the subsequent ratification by those units of an agreement reached via the collective bargaining process; providing for severability; repealing all ordinances in conflict therewith; and providing an effective date.

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Comparison of Current Miami Beach Pension Plans (page 1 of 2)

	Classified Bifurcation Dates AFSCME 4/30/93 CWA 2/21/94 OTHERS 8/1/93 GSA 8/1/93	Unclassified Bifurcation Date 10/18/92	401 (A)
Retirement Age	Tier A - 50 Tier B - 60	Tier A - 50 Tier B - 60	55
Vesting	Tier A - 5 years. (any yrs. At age 62) Tier B - 10 years step vesting - 10 %/yr	Tier A - 5 years Tier B - 10 years cliff vesting - 10 yrs to vest	Immediate
Multiplier	Tier A - 15yrs @ 3%, 4% until max Tier B - all years at 3%	Tier A - 4% for all yrs prior to 1992, 3% for all yrs after Tier B - all years at 3%	N/A
Maximum pension Amount	Tier A = 90% Tier B - 80%	Tier A = 80% Tier B - 80%	Contributions and Investment returns (no guarantee)
Pensionable Overtime	Tier A - 100% Tier B - 0%	0%	N/A
Retirement COLA	2.5% compounded	Tier A - 1.5% compounded Tier B - 1.5% simple	N/A
Service Connected Disability	Tier A - 75% of FAME or accrued benefit if higher Tier B - 60% of FAME or accrued benefit if higher	Tier A - 50% of FAME or accrued benefit if higher Tier B - 60% of FAME or accrued benefit if higher	66 2/3% of salary to a maximum monthly benefit of \$5000 (max covered salary of \$90,000/per 1992 ordinance as it applies to the 401)

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Comparison of Current Miami Beach Pension Plans (page 2 of 2)

	Classified Bifurcation Dates AFSCME 4/30/93 CWA 2/21/94 OTHERS 8/1/93 GSA 8/1/93	Unclassified Bifurcation Date 10/18/92	401 (A)
Buy back	N/A	N/A	N/A
FAME	Tier A - Average of two highest years + no cap on OT Tier B - Average of three highest years	Tier A - Last years salary Tier B - Average of three highest years	N/A
Retiree Health	Vested and City pays 50% (retirees & dependents)	Vested and City pays 50% (retirees & dependents)	CWA & Others - immediate vesting GSA & AFSCME - 10 yr vesting and City pays 50% (retirees & dependents)
Employee Contribution	10%	10%	10%
Partial lump sum distribution	N/A	N/A	N/A
No pension impact upon promotions	Not allowed	N/A	N/A
Allow 401A employees to migrate into pension plans	N/A	N/A	Not allowed
Maximum pension accrual before retirement age	Not available	Not available	Not available

Proposed City Pension Plans (page 1 of 2)

Green/Bold = Benefit enhancement Red/Italics = Benefit reduction	Classified Pension System Bifurcation Dates AFSCME 4/30/93 CWA 2/21/94 OTHERS 8/1/93 GSA 8/1/93		Unclassified Bifurcation Date 10/18/92	
	Tier A employees	Tier B/401A employees	Tier A employees	Tier B/401A employees
Retirement Age	50	55	50	55
Vesting	5 years. (any yrs. at age 62)	5 years	5 years	5 years
Multiplier	Tier A - 15yrs @ 3%, 4% until max	all years at 3%	4% for all yrs prior to 1992, 3% for all yrs after	all years at 3%
Maximum pension Amount	90%	80%	80%	80%
Pensionable Overtime	10% cap	0%	N/A	N/A
Retirement COLA	2.5% compounded	2.5% compounded	2.5% compounded	2.5% compounded
Service Connected Disability	75% of FAME or accrued benefit if higher	60% of FAME or accrued benefit if higher	60% of FAME or accrued benefit if higher	60% of FAME or accrued benefit if higher
Non Service Connected Disability	35%	35%	35%	35%
Early Out	2 year early out	No	No	No

Proposed City Pension Plans (page 2 of 2)

Green/Bold = Benefit enhancement Red/Italics = Benefit reduction	Classified Pension System Bifurcation Dates AFSCME 4/30/93 CWA 2/21/94 OTHERS 8/1/93 GSA 8/1/93			Unclassified Bifurcation Date 10/18/92	
	Tier A employees	Tier B/401A employees		Tier A employees	Tier B/401A employees
Buy back	2 year buy back (limited)	2 year buy back (limited)		2 year buy back (limited)	2 year buy back (limited)
FAME	Average of two highest years	Average of two highest years		Average of two highest years	Average of two highest years
Maximum pension accrual before retirement age	Contribution to pension based on incremental salary after achieving maximum accrual	Contribution to pension based on incremental salary after achieving maximum accrual		Contribution to pension based on incremental salary after achieving maximum accrual	Contribution to pension based on incremental salary after achieving maximum accrual
Employee Contribution	10%	8%		10%	8%
Partial lump sum distribution	Available	Available		Available	Available
No pension impact upon promotions	Available	Available		Available	Available
Allow 401A employees to migrate into pension plans	N/A	Available		N/A	Available
Retiree Health (Pre 2005)	City pays 50% (retirees & dependents)	City pays 50% (retirees & dependents)		City pays 50% (retirees & dependents)	City pays 50% (retirees & dependents)
(Post 2005) (new employees)	N/A	Fixed stipend		N/A	Fixed stipend

Proposed City Pension Plans (page 1 of 2)

Purple/bold = better civilian benefits Blue/italics = same benefits	Classified Pension System Bifurcation Dates AFSCME 4/30/93 CWA 2/21/94 OTHERS 8/1/93 GSA 8/1/93		Unclassified Bifurcation Date 10/18/92	
	Tier A employees	Tier B/401A employees	Tier A employees	Tier B/401A employees
Retirement Age	50	55	50	55
Vesting	5 years. (any yrs. at age 62)	5 years	5 years	5 years
Multiplier	15yrs @ 3%, 4% until max	all years at 3%	4% for all yrs prior to 1992, 3% for all yrs after	all years at 3%
Maximum pension Amount	90%	80%	80%	80%
Pensionable Overtime	10% cap (employee contr. tied to pensionable overtime dollars)	0%	N/A	N/A
Retirement COLA	2.5% compounded	2.5% compounded	2.5% compounded	2.5% compounded
Service Connected Disability	75% of FAME or accrued benefit if higher	60% of FAME or accrued benefit if higher	60% of FAME or accrued benefit if higher	60% of FAME or accrued benefit if higher
Non Service Connected Disability	35%	35%	35%	35%
Early Out	2 year early out (1 time window)	No	No	No

Proposed City Pension Plans (page 2 of 2)

	Classified Pension System		Unclassified	
	Bifurcation Dates AFSCME 4/30/93 CWA 2/21/94 OTHERS 8/1/93 GSA 8/1/93		Bifurcation Date 10/18/92	
	Tier A employees	Tier B/401A employees	Tier A employees	Tier B/401A employees
Purple/bold = better civilian benefits Blue/italics = same benefits				
Buy back	2 year buy back (limited)	2 year buy back (limited)	2 year buy back (limited)	2 year buy back (limited)
FAME	Average of two highest years	Average of two highest years	Average of two highest years	Average of two highest years
Retiree Health (Pre 2005)	City pays 50% (retirees & dependents)	City pays 50% (retirees & dependents)	City pays 50% (retirees & dependents)	City pays 50% (retirees & dependents)
(Post 2005) (new employees)	N/A	Fixed stipend	N/A	Fixed stipend
Employee Contribution	10%	8%	10%	8%
Partial lump sum distribution	Available	Available	Available	Available
No pension impact upon promotion	Available	Available	Available	Available
Allow 401A employees to migrate into pension plans	N/A	Available	N/A	Available
Maximum pension accrual before retirement age	Contribution to pension based on incremental salary after achieving maximum accrual	Contribution to pension based on incremental salary after achieving maximum accrual	Contribution to pension based on incremental salary after achieving maximum accrual	Contribution to pension based on incremental salary after achieving maximum accrual

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, MERGING THE RETIREMENT SYSTEM FOR GENERAL EMPLOYEES OF THE CITY OF MIAMI BEACH WITH THE RETIREMENT SYSTEM FOR UNCLASSIFIED EMPLOYEES OF THE CITY OF MIAMI BEACH, THEREBY CREATING THE MIAMI BEACH EMPLOYEES' RETIREMENT PLAN; IMPLEMENTING PROVISIONS OF THE 2003-2006 COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE COMMUNICATIONS WORKERS OF AMERICA; AMENDING PROVISIONS OF THE RETIREMENT PLAN APPLICABLE TO NON-BARGAINING UNIT AND UNCLASSIFIED EMPLOYEES; THE CHANGES WILL LATER APPLY TO MEMBERS OF THE AMERICAN FEDERATION OF COUNTY STATE AND MUNICIPAL EMPLOYEES (AFSCME) AND GOVERNMENT SUPERVISORS ASSOCIATION (GSA) BARGAINING UNITS SUBJECT TO THE COLLECTIVE BARGAINING PROCESS AND UPON RATIFICATION OF AN AGREEMENT BY THOSE UNITS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

ARTICLE 1. Creation and Purpose of the Retirement Plan

1.01 A retirement system is hereby created under and by authority of Chapter 18691, Laws of Florida, Acts of 1937, as amended, by merging the "RETIREMENT SYSTEM FOR GENERAL EMPLOYEES OF THE CITY OF MIAMI BEACH" created by Ordinance 1901, as amended (hereinafter referred to as the "Classified System"), with the "RETIREMENT SYSTEM FOR UNCLASSIFIED EMPLOYEES AND ELECTED OFFICIALS OF THE CITY OF MIAMI BEACH" created by Ordinance 88-2603, as amended (hereinafter referred to as the "Unclassified System"), to form the "MIAMI BEACH EMPLOYEES' RETIREMENT PLAN," which shall be hereinafter referred to as the "Plan" or the "Retirement Plan." Any references to the Classified System or Unclassified System in any other provision of the City Charter, Code of Ordinances, ordinances or resolutions shall be construed to apply to this Plan in the same manner as applied to the Classified System or Unclassified System.

1.02 The purpose of the Retirement Plan is to provide retirement and other related benefits for eligible employees and elected officials of the City and their beneficiaries or dependents.

ARTICLE 2. Definitions

For purpose of the Retirement Plan, certain words and phrases shall have the meanings ascribed to them in this Article except when the context otherwise requires. The masculine pronoun, wherever used, shall include the feminine.

- 2.01 "Accumulated Employee Contributions" means the required contributions paid by any Member as provided in Section 6.02 or credited to the Member pursuant to Section 6.01 (b), together with any interest allowed thereon under this Plan or previous City retirement system, until such time as the Employee's service with the City is terminated at the rate, compounded annually, as determined by the Board from time to time.
- 2.02 "Actuarial Equivalent" means equivalent when computed at regular interest on the basis of the mortality tables last adopted by the Board of Trustees.
- 2.03 "Beneficiary" means, the surviving person or persons designated as such by a Member or Retirant in the last written designation on file with the Board in accordance with Section 5.08 (g); in the absence of such survivor or such designation, it means the estate of the deceased Member or Retirant, as the case may be.
- 2.04 "Board of Trustees" or "Board" means the managing board of the Plan as provided for in Article 7.
- 2.05 "City" or "Employer" means the City of Miami Beach, Florida.
- 2.06 "City Commission" or "Commission" means the City Commission of the City of Miami Beach, Florida.
- 2.07 "Classified Employee" means an Employee who is employed in a classified position under the City of Miami Beach Civil Service Act.
- 2.08 "Creditable Service" means service credited to a Member under the Plan as provided in Article 4.
- 2.09 "Defined Contribution Retirement System" means a plan established by the City pursuant to Ordinance 92-2813.
- 2.10 "Domestic Partner" means a person with whom a member has entered into a domestic partnership as defined in Section 62-126 of the City Code, and registered and documented according to the requirements of Section 62-127 of the City Code.
- 2.11 "Earnings" means base pay, including longevity pay, for personal services rendered as an Employee, but excluding any payment of overtime, shift differential or extra compensation allowances such as uniform allowances. Notwithstanding the foregoing, in the case of any Member

who is in a classification within the CWA bargaining unit who entered service with the City prior to February 21, 1994 as a Classified Employee, and who was continuously a member of the Classified System from that date until the effective date of this Ordinance, "Earnings" shall include overtime pay up to a maximum of ten percent (10%) above the Member's highest pensionable earnings each year. Earnings in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code, and regulations promulgated thereunder, shall be disregarded, and no member contributions shall be required on any such excess. The definition of Earnings in the preceding sentence shall apply to Employees in classifications within the AFSCME bargaining unit who entered the service of the City prior to April 30, 1993 and to employees in classifications within the GSA bargaining unit who entered the service of the City prior to August 1, 1993, and who were Members of the Classified Plan continuously from that date until the effective date of this Ordinance, upon the ratification of a collective bargaining agreement that contains such definition.

2.12 "Elected Officials" means the Mayor, and the members of the City Commission of the City of Miami Beach.

2.13 "Employee" means any person employed by the City on a regular basis who is receiving compensation from the City for personal services, exclusive of the following groups and classifications:

- (a) Persons whose services are compensated on a contractual basis.
- (b) Persons employed on a provisional, original probationary or other temporary basis.
- (c) Members of boards or commissions, officers, or employees receiving no salary or a nominal salary on a fee basis.
- (d) Members of the City Pension Fund for Firemen and Policemen or the City Supplemental Pension Fund for Firemen and Policemen in the City of Miami Beach.
- (e) Persons whose regular employment with the City is for less than thirty (30) hours per week. Provided, however, all persons who were on the membership rolls of the Classified System as of August 31, 1992 and became Members of this Plan on the effective date of this Ordinance, whose regular employment is for less than thirty (30) hours per week may continue as Members of this Plan.

"Employee" also means any person employed on a regular basis for thirty (30) or more hours per week by the Miami Beach Visitor and Convention Authority, this Retirement Plan, the Classified Plan, the Unclassified Plan or the City Pension Fund for Firemen and Policemen.

2.14 "Final Average Monthly Earnings" means one-twelfth of the average annual earnings of the Member during the two highest paid years of creditable service except as otherwise provided in this Section 2.14. Notwithstanding the foregoing, for any Member who is in a classification within

the AFSCME bargaining unit who entered service with the City on or after April 30, 1993, and for any Member who is in a classification within the GSA bargaining unit who entered service with the City on or after August 1, 1993, "Final Average Monthly Earnings" means one-twelfth of the average annual earnings of the Member during the three highest paid years of service as an Employee, until such time as a collective bargaining agreement is ratified providing for the definition in the first sentence of this Section 2.14. Notwithstanding the foregoing, for any Member who became a member of the Unclassified System prior to October 18, 1992 and was continuously a member of the Unclassified System from that date until the effective date of this Ordinance, "Final Average Monthly Earnings" means one-twelfth of the average annual earnings of the Member during the two highest paid years of creditable service, but shall not in any event be less than one-twelfth of the earnings of the Member during the twelve months immediately preceding the effective date of this Ordinance.

2.15 "Finance Director" means the Finance Director of the City of Miami Beach as appointed by the City Manager or such person designated by the City Manager to perform the duties of Finance Director.

2.16 "Member" means any Employee included in the membership of the Plan, as provided in Article 3. A Member who retires shall be deemed a retired member or a retirant.

2.17 "Pension" means the monthly amount payable to a Pensioner under the Plan; the pension shall be due as of the first day of the calendar month next following the death of the Member or Retirant and shall cease after the payment due on the first day of the month in which the Pensioner ceases to be entitled thereto according to the provisions of this Ordinance.

2.18 "Pensioner" means the dependent beneficiary of a Member or Retirant in receipt of a pension under the Plan as the result of the death of a Member or Retirant of this Plan, the Classified or Unclassified System, or the Predecessor System.

2.19 "Physical Examiners" means the physicians provided for in Section 7.06 (j).

2.20 "Predecessor system" means the Retirement System governed by Ordinance No. 845 as in effect prior to the adoption of the Classified System and the Unclassified System.

2.21 "Regular Interest" means interest at the rate or rates determined by the Board of Trustees as provided in Section 7.06 (d).

2.22 "Retirant" means a person in receipt of retirement allowance payments under the Plan on the basis of his service as an Employee.

2.23 "Retirement allowance" means monthly payments under the Plan to a Retirant during his lifetime; monthly payments shall be due as of the first day of each calendar month and shall cease after the payment as of the first day of the month in which the Retirant's death occurs.

2.24 "Retirement Plan" or "Plan" means the Miami Beach Employees Retirement Plan created by this ordinance.

2.25 "Unclassified Employee" means an Employee who is employed in a position that is not a classified position under the City of Miami Beach Civil Service Act.

For members in classifications within the American Federation of State, County and Municipal Employees ("AFSCME") and Communications Workers of America ("CWA") bargaining units, the terms in this Plan shall have the same meanings as in Ordinance 789, the Classified Employee's Salary Ordinance, except as otherwise specifically provided in this Plan.

ARTICLE 3. Membership

3.01 Every person who on the effective date of this Ordinance was a Retirant or Pensioner under the Classified System, Unclassified System or Predecessor System shall automatically become on such date a Retirant or Pensioner, as applicable, under this Plan, and shall continue to receive under this Plan the benefits paid under the Classified System, Unclassified System, or Predecessor System. Every person who on the effective date of this Ordinance was a Member of the Classified System or Unclassified System shall automatically become on such date a Member of this Retirement Plan. Any written designation of beneficiary or dependent beneficiary in effect under the Classified System, Unclassified System or Predecessor System on the effective date of this Ordinance shall continue to be in effect under this Plan unless subsequently changed or revoked by the Member or Retirant, in writing, in accordance with the provisions of this Plan Ordinance.

3.02 Any person, other than as provided in Section 3.03 herein, who becomes an Employee on or after the effective date of this Ordinance shall be a Member of this Plan as a condition of his employment or office, as of the first day of City employment. An Employee's acceptance of employment with the city shall constitute authorization for the city to deduct contributions from the Earnings of the Employee in accordance with Section 6.02, unless and until the Employee elects not to participate in this Plan to Section 3.03.

3.03 Any person serving as an Elected Official, City Manager or City Attorney shall have the option to reject membership in this Plan, and to participate in another plan that is approved by the City Commission. Any employee in a classification within the AFSCME or GSA bargaining units who enter the service of the City on or after the effective date of this Ordinance, and who would otherwise become a Member of this Retirement Plan, shall have an irrevocable option to reject membership in this Plan, and elect instead to participate in the Defined Contribution Retirement System, until such time as a collective bargaining agreement is ratified that provides for mandatory participation in this Plan.

3.04 An Employee shall cease to be a Member if he dies, retires, ceases to be an Employee as defined in Section 2.13 herein for any other reason, or elects not to participate in this Plan in accordance with Section 3.03.

3.05 Any Employee who previously elected to participate in the Defined Contribution Retirement System, or a defined contribution retirement plan established for employees of the Miami Beach Visitor and Convention Authority, the Classified Plan, the Unclassified Plan or the City Pension Fund for Firemen and Policemen, prior to the effective date of this Ordinance shall have a one-time, irrevocable option to transfer to this Plan by filing a written election with the Board within six months following the effective date of this Ordinance, but in no event later than the last day of employment. Employees who elect to participate in this Plan pursuant to this Section 3.05 may purchase Creditable Service under the Plan for all or a portion of the period of their participation in the Defined Contribution Retirement System, in accordance with Section 4.04. Notwithstanding the foregoing, Employees in classifications within the AFSCME and GSA bargaining units who previously elected to participate in the Defined Contribution Retirement System, shall not be eligible to participate in this Plan unless and until a collective bargaining agreement is ratified that provides for such participation.

ARTICLE 4. Creditable Service

4.01 Each Employee who was a member of the Classified System or Unclassified System and becomes a Member of this Plan on the effective date of this Ordinance shall be credited with the same amount of creditable service under this Plan to which the member was credited as of such date under the Classified System or Unclassified System. A Member shall be credited with creditable service for all periods of service as an Employee on or after the effective date of this Ordinance during which the Member makes contributions to the Plan in accordance with Article 6. The creditable service of a Member shall not include service prior to the date the member elects to receive a refund of Accumulated Employee Contributions in accordance with Section 5.08 (a).

4.02 A member who separates from City employment for active duty service in the Armed Forces of the United States, the United States Merchant Marine or the United States Coast Guard, voluntarily or involuntarily, shall be entitled to creditable service under the Plan for the period of such service, provided:

- (a) The Member must return to City employment within one (1) year from the earlier of the date of military discharge or release from active service, unless otherwise provided by the Uniformed Services Employment and Reemployment Rights Act (USERRA), (P.L.103-353).

(b) The Member is entitled to reemployment with the City under the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA), (P.L.103-353).

(c) The member pays into the Plan the amount of contributions that would have been required had the Member remained continuously employed by the City, based on the member's earnings on the date of separation from City employment.

(d) The maximum amount of creditable service available under this paragraph shall be five (5) years.

4.03 (a) A Member with five (5) or more years of creditable service may, at any time prior to retirement, elect to purchase up to a maximum of two (2) years of additional creditable service as provided in this section 4.03. The benefit multiplier that the Member is earning at the time of the election to purchase additional creditable service pursuant to this section 4.03 shall be applied to the additional credited service purchased. To be eligible to purchase additional creditable service under this section 4.03, a Member who previously elected to participate in the Defined Contribution Retirement System (401(a) Plan) must first purchase all available creditable service in accordance with section 4.04. An eligible Member may elect to purchase additional creditable service under this section 4.03 for any of the following types of employment prior to the employee's date of hire by the City, provided that the Member may not purchase such service if the Member has received or will receive a pension benefit for the same period of employment under another retirement plan:

1. Active duty military service in the Armed Forces of the United States or the Coast Guard.
2. Full-time employment with another governmental entity.
3. Full-time employment in the private sector performing the same or very similar duties the employee is performing for the City at the time of his/her election to purchase additional service.

(b) In order to receive the additional creditable service, the Member shall pay ten percent (10%) of his/her annual rate of pensionable Earnings, multiplied by the number of years and fractions of a year purchased, up to a total of two years. For the purpose of this section, the annual rate of pensionable earnings shall be the rate in effect on the date of payment and shall include the annual amount of overtime pay for those Members whose overtime pay is included in Earnings. Payment shall be made in a single lump sum to the Plan within six (6) months following the date of the member's election to purchase the additional service.

(c) For purposes of this section 4.03, Members may use the value of accrued sick and/or annual leave for the purchase of additional creditable service, as follows. Accrued sick

leave may be used at the rate of 2 hours of accrued sick leave for the value of each hour used toward the purchase, provided that the Member must retain at least 120 hours of accrued sick leave after the purchase. Annual leave may be used at the rate of 1 hour of accrued annual leave for the value of each hour used toward the purchase. The total amount of sick and annual leave used for the purchase of additional creditable service under this section 4.03 shall be deducted from the maximum amount of leave allowed for payout to the Member upon termination of employment.

(d) Notwithstanding the forgoing, Employees in classifications within the AFSCME bargaining unit and the GSA bargaining unit shall not be eligible to purchase additional creditable service under this section 4.03 unless and until a collective bargaining agreement is ratified that provides for such purchase.

(e) Amounts paid or transferred to this Plan for the purchase of creditable service under this section 4.03 shall be considered accumulated employee contributions as that term is defined herein, and Members shall be 100% vested in such amounts.

(f) Notwithstanding any other provision of this section 4.03, in no event may the maximum benefit percentage applicable to the member be exceeded as the result of any purchase of creditable service.

4.04 Purchase of Creditable Service by Members Who Previously Participated in the Defined Contribution Retirement System.

(a) Any Employee who previously elected to participate in the Defined Contribution Retirement System (401(a) Plan) prior to the effective date of this Ordinance, and who becomes a Member of this Plan on or after the effective date of this Ordinance, may purchase Creditable Service under this Plan for all or a portion of the period of their participation in the Defined Contribution Retirement System, by paying into the Plan an amount equal to the sum of the required employer and employee contributions to the Classified Plan or Unclassified Plan (whichever plan in which the Member was eligible to participate) for each fiscal year of service, or portion thereof, purchased, as reflected in the actuarial valuation report for that year; plus interest at the rate of 8.5 percent for Classified Employees and 9.0% for Unclassified Employees, calculated from the end of each applicable fiscal year through the date of payment. Notwithstanding the preceding sentence, for any Creditable Service purchased pursuant to this subsection (a) that relates to employment during the 2005-2006 fiscal year, if full payment for such service is made on or before May 1, 2006, the payment amount for such service shall be twenty percent (20%) of the Employee's earnings for the period purchased, with no interest on the amount paid for such service. In any event, full payment all service purchased pursuant to this subsection (a) must be made within six (6) months after the effective date of this Ordinance and cost estimates have been provided to

the Employee, but in no event later than the last day of employment. Each employee electing this option may purchase creditable service under this Plan for the period from the date the employee entered the Defined Contribution Retirement System through the effective date of membership in this Plan, or any portion thereof. If a Member elects to purchase less than the full period of participation in the Defined Contribution Retirement System, the first period of purchase shall be for the same fiscal year in which the Employee was first authorized to purchase service pursuant to this subsection (a), the second period of purchase shall be for the immediately preceding fiscal year and so on, until the Member purchases the amount of creditable service desired. A Member shall not be permitted to select those years that result in the lowest purchase amount. Notwithstanding any other provision of this section 4.04, in no event may the maximum benefit percentage applicable to the member be exceeded as the result of any purchase of Creditable Service.

(b) Any Employee who previously elected to participate in a defined contribution retirement plan established for employees of the Miami Beach Visitor and Convention Authority, the Classified Plan, the Unclassified Plan or the City Pension Fund for Firemen and Policemen, prior to the effective date of this Ordinance, and who becomes a Member of this Plan on or after the effective date of this Ordinance, may purchase Creditable Service under this Plan for all or a portion of the period of their participation in such defined contribution retirement plan on or after October 18, 1992, during which such Member was employed on a regular basis for thirty (30) or more hours per week, by paying into the Plan an amount equal to the sum of the required employer and employee contributions to the Classified Plan for each fiscal year of service, or portion thereof, purchased, as reflected in the actuarial valuation report for that year; plus interest at the rate of 8.5 percent calculated from the end of each applicable fiscal year through the date of payment. Notwithstanding the preceding sentence, for any Creditable Service purchased pursuant to this subsection (b) that relates to employment during the 2005-2006 fiscal year, if full payment for such service is made on or before May 1, 2006, the payment amount for such service shall be twenty percent (20%) of the Employee's earnings for the period purchased, with no interest on the amount paid for such service. In any event, full payment all service purchased pursuant to this subsection (b) must be made within six (6) months after the effective date of this Ordinance and cost estimates have been provided to the Employee, but in no event later than the last day of employment. If a Member elects to purchase less than the full period of participation in the defined contribution retirement plan, the first period of purchase shall be for the same fiscal year in which the Employee was first authorized to purchase service pursuant to this subsection (b), the second period of purchase shall be for the immediately preceding fiscal year and so on, until the Member purchases the amount of creditable service desired. A Member shall not be permitted to select those years that result in the lowest purchase

amount. Notwithstanding any other provision of this section 4.04, in no event may the maximum benefit percentage applicable to the Member be exceeded as the result of any purchase of creditable service.

(c) A Member who elects to purchase creditable service under this section 4.04 may pay for such service in one or a combination of the following manners:

(1) Direct transfer or rollover from the Defined Contribution Retirement System, 457 plan or other eligible plan in accordance with Section 11.03, provided the other retirement system or plan permits such direct transfers or rollovers for the purchase of creditable service under this Plan. The full value of assets, including any outstanding loans, transferred from a Member's account in the Defined Contribution Retirement System, or from a defined contribution retirement plan established for employees of the Miami Beach Visitor and Convention Authority, the Classified Plan, the Unclassified Plan or the City Pension Fund for Firemen and Policemen that permits such direct transfers or rollovers for the purchase of creditable service under this Plan, will be credited toward the purchase of creditable service under this section 4.04. A Member must pay off any loan balance existing at the time of transfer from the Defined Contribution Retirement System, or from a defined contribution retirement plan established for employees of the Miami Beach Visitor and Convention Authority, the Classified Plan, the Unclassified Plan or the City Pension Fund for Firemen and Policemen, by making payments to this Plan in the same manner and at the same rate of interest as the payments that were made to the Defined Contribution Retirement System or defined contribution retirement plan prior to the transfer. In the event full payment of all outstanding loan balances is not made prior to termination of employment, the Member's creditable service shall be adjusted to reflect the payments actually made.

(2) Cash Payment.

(3) A Member who is employed by the City at the time creditable service is purchased pursuant to this section 4.04 may use the value of accrued sick and/or annual leave as follows. Accrued sick leave may be used at the rate of 2 hours of accrued sick leave for the value of each hour used toward the purchase, provided that the Member must retain at least 120 hours of accrued sick leave after the purchase. Annual leave may be used at the rate

of 1 hour of accrued annual leave for the value of each hour used toward the purchase. The total amount of sick and annual leave used for the purchase of additional creditable service under this section 4.04 shall be deducted from the maximum amount of leave allowed for payout to the Member upon termination of employment.

(c) Amounts paid or transferred to this Plan for the purchase of creditable service under this section 4.04, excluding any outstanding loan balances, shall be considered accumulated employee contributions as that term is defined herein, and Members shall be 100% vested in such amounts.

(d) Notwithstanding any other provision of this section 4.04, the provisions of this section 4.04 shall not apply to Employees within classifications in the AFSCME and GSA bargaining units until a collective bargaining agreement containing such provisions is ratified. If a collective bargaining agreement applying the provisions of this section 4.04 to Employees within classifications in the AFSCME or GSA bargaining units is ratified on or before April 1, 2006, for any Employee who purchases Creditable Service purchased pursuant to subsection (a), above, that relates to employment during the 2005-2006 fiscal year, and makes full payment for such service within sixty (60) days following ratification of the collective bargaining agreement, the payment amount for such service shall be twenty percent (20%) of the Employee's earnings for the period purchased, with no interest on the amount paid for such service.

4.05 Purchase of Creditable Service by Members Who Previously had Creditable Service Under the Classified Plan.

Any Member who previously had creditable service under the Classified Plan but who separated from employment as a Classified Employee prior to becoming fully vested in the Classified Plan, may purchase Creditable Service under this Plan for all or a portion of the period of their creditable service under the Classified Plan, by paying into the Plan an amount equal to the sum of the required employer and employee contributions to the Classified Plan for each fiscal year of service, or portion thereof, purchased, plus interest at the rate of eight and one-half percent (8.5%) from the end of each applicable fiscal year through the date of payment. Full payment must be made within six (6) months after the effective date of this Ordinance. Notwithstanding any provision of this section 4.05, this section 4.05 shall have no application to persons employed by the Miami Beach Visitor and Convention Authority, the Classified Plan, the Unclassified Plan or the City Pension Fund for Firemen and Policemen on the effective date of this Ordinance,

ARTICLE 5. Benefits

5.01 Normal Retirement

(a) Normal Retirement Date

(1) Except as otherwise provided in this subsection (a), the normal retirement date shall be the first day of the calendar month coincident with or next following the attainment of age fifty-five (55) and completion of five (5) or more years of creditable service.

(2) Notwithstanding the provisions of paragraph (1), above, the normal retirement date of a Member who became a member of the Unclassified System prior to October 18, 1992 and was continuously a member of the Unclassified System from that date until the effective date of this Ordinance, shall be the first day of the calendar month coincident with or next following the attainment of age fifty (50) and completion of five (5) or more years of creditable service.

(3) Notwithstanding the provisions of paragraph (1), above, the normal retirement date for Members in classifications within the CWA (MBEBA) bargaining unit who entered the service of the City prior to February 21, 1994 and who were Members of the Classified Plan continuously from that date until the effective date of this Ordinance, shall be the first day of the calendar month coincident with or next following the attainment of age 50 and completion of five (5) or more years of creditable service.

(4) Notwithstanding the provisions of paragraph (1), above, the normal retirement date for Members in classifications within the AFSCME bargaining unit who entered the service of the City prior to April 30, 1993 and who were Members of the Classified Plan continuously from that date until the effective date of this Ordinance, shall be the first day of the calendar month coincident with or next following the attainment of age fifty (50) and completion of five (5) or more years of creditable service, until a collective bargaining agreement is ratified that provides a normal retirement date in accordance with paragraph (1), above.

(5) Notwithstanding the provisions of paragraph (1), above, the normal retirement date for Members in classifications within the GSA bargaining unit or any Employee classified as "Other" who entered the service of the City prior to August 1, 1993 and who were Members of the Classified Plan continuously from that date until the effective date of this Ordinance, shall be the first day of the calendar month coincident with or next following the attainment of age fifty (50) and completion of five (5) or more years of creditable service, until a collective bargaining agreement is ratified that provides a normal retirement date in accordance with paragraph (1), above.

(6) Notwithstanding the provisions of paragraph (1), above, the normal retirement date for Members in classifications within the AFSCME bargaining unit who entered the service of the City after on or April 30, 1993, and Members in classifications within the GSA bargaining unit who entered the service of the City on or after August 1, 1993, shall be the first day of the calendar

month coincident with or next following the attainment of age sixty (60) and the completion of ten (10) or more years of creditable service, until a collective bargaining agreement is ratified that provides a normal retirement date in accordance with paragraph (1), above.

(b) Normal Retirement Benefit

(1) Except as otherwise provided in this subsection (b), the normal retirement benefit shall be payable to a Member on or after the normal retirement date in an amount equal to three percent (3%) of final average monthly earnings multiplied by creditable service, up to a maximum of eighty percent (80%) of final average monthly earnings.

(2) Notwithstanding the provisions of paragraph (1), above, the normal retirement benefit payable to Members in classifications within the AFSCME bargaining unit who entered the service of the City prior to April 30, 1993 and who were Members of the Classified Plan continuously from that date until the effective date of this Ordinance, shall be three percent (3%) of final average monthly earnings multiplied by creditable service for the first fifteen (15) of such service, and four percent (4%) of final average monthly earnings multiplied by creditable service for each year in excess of fifteen (15), to a maximum of ninety percent (90%) of final average monthly earnings.

(3) Notwithstanding the provisions of paragraph (1), above, the normal retirement benefit payable to Members in classifications within the CWA (MBEBA) bargaining unit who entered the service of the City prior to February 21, 1994 and who were Members of the Classified Plan continuously from that date until the effective date of this Ordinance, shall be three percent (3%) of final average monthly earnings multiplied by creditable service for the first fifteen (15) of such service, and four percent (4%) of final average monthly earnings multiplied by creditable service for each year in excess of fifteen (15), to a maximum of ninety percent (90%) of final average monthly earnings.

(4) Notwithstanding the provisions of paragraph (1), above, the normal retirement benefit payable to Members in classifications within the GSA bargaining unit who entered the service of the City prior to August 1, 1993 and who were Members of the Classified Plan continuously from that date until the effective date of this Ordinance, shall be three percent (3%) of final average monthly earnings multiplied by creditable service for the first fifteen (15) of such service, and four percent (4%) of final average monthly earnings multiplied by creditable service for each year in excess of fifteen (15), to a maximum of ninety percent (90%) of final average monthly earnings.

(5) Notwithstanding the provisions of paragraph (1), above, the normal retirement benefit payable to a Member who became a member of the Unclassified System prior to October 18, 1992 and was continuously a member of the Unclassified System from that date until the effective

date of this Ordinance, shall be four percent (4%) of final average monthly earnings multiplied by creditable service prior to that date, and three percent (3%) of final average monthly earnings multiplied by creditable service after that date, up to a maximum of eighty percent (80%) of final average monthly earnings. Notwithstanding any other provision of this Plan, in determining the normal retirement benefit payable to Unclassified Employees, earnings shall be as defined in section 2.11 except that annual payments for unused leave (excluding annual or sick leave) shall be included.

(6) Notwithstanding the provisions of paragraph (1), above, the normal retirement benefit payable to a Member who has served as an Elected Official, City Manager or City Attorney shall be three percent (3%) of final average monthly earnings multiplied by the number of years of creditable service as an Elected Official, City Manager or City Attorney; and the percentage rate in effect under the Classified System, Unclassified System or this Plan, as applicable, for any other periods of City employment multiplied by the number of years of creditable service in such employment; up to a maximum of eighty percent (80%) of final average monthly earnings. Notwithstanding any other provision of this Plan, in determining the benefit payable under this paragraph (6), earnings as an Elected Official, City Manager or City Attorney shall include total W-2 compensation plus any other payments or allowances, up to the limitations set forth in Section 401(a)(17) of the Internal Revenue Code and regulations promulgated thereunder.

(a) Any Member who was a member of the Classified System and became a Member of this Plan on the effective date of this Ordinance may retire prior to the normal retirement date and receive an early retirement benefit in accordance with this Section 5.02. To be eligible for an early retirement benefit, such Member must have attained age fifty (50), and the sum of the Member's attained age (last birthday) and complete years of creditable service must not be less than seventy-five (75). The early retirement benefit shall commence on the first day of the calendar month next following receipt of written application therefor by the Board.

(b) The early retirement benefit shall be the actuarial equivalent of a deferred benefit commencing on the Member's normal retirement date and computed in accordance with Section 5.01 on the basis of final average monthly earnings and creditable service as of the date of retirement.

5.03 Partial Lump Sum Distribution. A Member who terminates City employment and retires on or after the normal retirement date and on or after the effective date of this Ordinance shall have the option of receiving up to twenty-five percent (25%) of the actuarial value of his/her normal retirement allowance in a lump sum distribution. For example, if a member's normal retirement allowance is \$2,000 per month, the Member may elect to receive, in lieu of such monthly

benefit, a monthly benefit in the amount of \$1,500 per month plus a single lump sum distribution equal to the actuarial value of the other \$500 monthly benefit. The lump sum distribution shall be calculated using the same discount rate, mortality rates and other assumptions and cost methods used in the most recent actuarial valuation report for the Plan. The partial lump sum distribution option is available only to Members who are eligible for a normal retirement allowance, and is not available in connection with any other benefit payable under the Plan.

5.04 Vested Retirement Allowance

(a) Any Member who was a member of the Unclassified System and became a Member of this Plan on the effective date of this Ordinance, with five or more years of creditable service and whose service with the City is terminated prior to the normal retirement date, shall be eligible for a refund of accumulated employee contributions; or the member may elect to not receive the refund but instead, in lieu of a refund of accumulated employee contributions, apply for a vested retirement allowance in accordance with this section 5.03.

(b) Any Member who was a member of the Classified System and became a Member of this Plan on the effective date of this Ordinance, whose service with the City is terminated voluntarily or involuntarily, prior to the date as of which he would first become eligible for retirement on a normal or early service retirement allowance shall be entitled, in lieu of a refund of his accumulated employee contributions, to apply for a vested retirement allowance in accordance with this section 5.03.

(c) The vested retirement allowance payable under this section 5.03 shall be a deferred allowance commencing on the earliest date as of which a Member, with the years of creditable service upon termination of employment, would first be eligible for normal retirement benefits, and shall be equal to the amount computed in accordance with section 5.01 on the basis of the Member's final average monthly earnings and creditable service at the time of termination, and the Member's age as of the date on which payment of the allowance commences.

5.05 Disability Retirement Allowance

(a) Upon the written application of a Member or the City Manager, a Member who has five (5) or more years of creditable service may be retired by the Board on an ordinary disability retirement allowance on the first day of a calendar month next following the granting of such application; provided that the Physical Examiners, after a medical examination of such Member, shall certify that the member is totally incapacitated, mentally or physically, for the further performance of duty, that such incapacity is not the result of habitual use of narcotics or alcohol, misconduct, service in the Armed Forces, self-inflicted injury or disability sustained through other employment, that such incapacity is likely to be permanent and that such Member should be retired.

(b) Upon the written application of a Member or the City Manager, any Member who has been totally and permanently incapacitated for the performance of his duties as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, without willful negligence on the member's part, may be retired by the Board on a Service-connected disability retirement allowance, and not on an ordinary disability retirement allowance, on the first day of a calendar month next following the execution and granting of such application; provided that the Physical Examiners, after a medical examination of the Member, shall certify that the member is totally incapacitated, mentally or physically for the further performance of duty, that such incapacity is likely to be permanent and that he should be retired.

(c) The disability retirement allowance payable to a Member retiring under the provisions of this Section 5.04 shall be an amount computed as a normal retirement benefit in accordance with section 5.01, on the basis of the Member's final average monthly earnings and creditable service at the time of disability retirement; provided, that the amount of such allowance shall be modified in accordance with the following Subsections (d) and (e).

(d) 1. The allowance payable to a disability Retirant prior to the normal retirement date shall not be less than thirty-five percent (35%) of his final average monthly earnings as of the date of disability if an ordinary disability retirement allowance is payable, and not less than sixty-five percent (65%) of such final average monthly earnings if a service connected disability retirement allowance is payable. Notwithstanding the foregoing, for Members who are in classifications within the AFSCME bargaining unit and who entered the service of the City prior to April 30, 1993, Members who are in classifications within the CWA bargaining unit and who entered the service of the City prior to February 21, 1994, Members who are in classifications within the GSA bargaining unit and who entered the service of the City prior to August 1, 1993, and Members who are classified as "Other" who entered the service of the City prior to August 1, 1993, the minimum service connected disability retirement allowance payable prior to such member's normal retirement date shall be seventy-five percent (75%) of such final average monthly earnings.

2. The allowance payable to a disability Retirant after the normal retirement date shall be an amount computed as a normal retirement benefit on the basis of the final average monthly earnings and number of years of creditable service the Member would have had if he had continued in service without interruption until the normal retirement date at the maximum rate of pay in effect at the time of his retirement for the classification from which the Member retired, provided that such allowance shall not exceed the amount payable to the Member as a disability retirement allowance prior to the normal retirement date and shall not be less than the normal retirement benefit at the normal retirement date. "Normal retirement date" as used in this Section 5.04 means

the date determined in accordance with Section 5.01(a) on the assumption that the period of disability retirement is deemed to be active service as an Employee for this purpose.

(e) Any amounts which may be paid or payable on account of disability to the Member or the Member's dependents under the Workers' Compensation Act, exclusive of fixed statutory payments for the loss of any bodily member, shall be offset against and payable in lieu of that part of the disability retirement allowance provided under the Plan for the same disability, in such equitable manner as the Board shall determine.

(f) 1. During the period of disability retirement prior to the normal retirement date, the Retirant's annual earnings from employment (including self-employment) shall not exceed an amount which, when added to the disability retirement allowance payments received by him, would result in a combined earned income of one hundred twenty-five percent (125%) of the maximum current salary for the classification from which the member retired if he is receiving a service-connected disability retirement allowance, or one hundred percent (100%) of such maximum salary if he is receiving an ordinary disability retirement allowance; otherwise payments of the disability retirement allowance shall be withheld to the extent that the combined earned income exceeds the maximum permissible amount. The Member must agree at the time of disability retirement, before any benefits are paid under the Plan, to furnish annually to the Board, before May 1 of each year, a copy of the Member's Federal Income Tax return for the prior year, and any other information which the Board may require. When the Retirant's combined earned income exceeds the maximum permissible amount determined on the basis of the maximum salary as of January 1 of the prior year for the classification from which the Member retired, future payments of the disability retirement allowance shall be withheld until the total sum withheld equals the amount by which the Member's combined earned income for the prior year exceeded the maximum permissible amount. Restrictions on earnings shall not be applicable after the Retirant's normal retirement date.

2. Notwithstanding the provisions of paragraph 1, above, any member of the Classified System who became a Member of this Plan on or after the effective date of this Ordinance, and who retires on a disability retirement on or after July 1, 1995, shall be subject to the benefit adjustments in this paragraph 2. During the period of such Member's disability retirement, the Retirant's annual earnings from employment (including self-employment) shall not exceed an amount which, when added to the disability retirement allowance payments received by him, would result in a combined earned income of two hundred percent (200%) of the maximum current salary for the classification from which the Member retired if the Member is receiving a service-connected disability retirement allowance, or one hundred percent (100%) of such maximum salary if the Member is receiving an ordinary disability retirement allowance; otherwise payments of the disability

retirement allowance shall be withheld to the extent that the combined earned income exceeds the maximum permissible amount. The Member must agree at the time of his disability retirement, before any benefits are paid under the Plan, to furnish annually to the Board, before May 1 of each year, a copy of the Member's Federal Income Tax return for the prior year, and any other information which the Board may require. When the Retirant's combined earned income exceeds the maximum permissible amount determined on the basis of the maximum salary as of January 1 of the prior year for the classification from which the Member was retired, future payments of disability retirement allowance shall be withheld until the total sum withheld equals the amount by which the Member's combined earned income for the prior year exceeded the maximum permissible amount.

3. The term "earned income" shall be defined by Section 43(c)(2) of the Internal Revenue Code to mean wages, salaries, tips, and other employee compensation, plus the amount of the taxpayer's net earnings from self-employment for the taxable year (within the meaning of Section 1402(a) of the Internal Revenue Code).

(g) Any Retirant who is receiving a disability retirement allowance shall be subject, prior to the normal retirement date, to re-examination by the Physical Examiners either upon request of the Retirant, the Board or the City Manager, and the Physical Examiners shall report their conclusions as to the continuance of the incapacity. In the event that such disability shall not continue to incapacitate the Retirant for service acceptable to the City, in accordance with requirements of the Personnel Department, the City Manager may require that such Retirant be returned to active duty at work which is the same or of similar nature to the work he performed prior to his incapacity, or returned to other work within the limits of his mental or physical capacities, at a rate of compensation not less than seventy percent (70%) of the pay to which he would have been entitled at the time of the Member's return to active service for the grade of service occupied by the Retirant prior to incapacity. Upon any such return to active duty, the Retirant shall be restored to service as a Member, the disability retirement allowance shall be terminated, the Member shall resume contributing to the Plan based on the earnings received upon reemployment, and the period during which the member was receiving a disability retirement allowance shall be included in creditable service for all purposes of the Plan.

(h) If any Retirant in receipt of a disability retirement allowance is found by the Physical Examiners, prior to the normal retirement date, to be no longer incapacitated but is not restored to service as a Member because of the member's own refusal to accept employment offered in accordance with the foregoing paragraph, the disability retirement allowance shall be terminated, and the period during which the member was receiving a disability retirement allowance shall in no event be added to the creditable service acquired prior to the incapacity.

5.06. Active Service Death Benefits

(a) Upon receipt of evidence, satisfactory to the Board, of the death of a Member who has three (3) or more years of creditable service, a monthly pension shall be paid to the surviving spouse or domestic partner of the deceased Member, provided that said spouse had been married to the Member, or the domestic partnership has been registered for at least one (1) year immediately prior to the date of his death. If there is no surviving spouse or domestic partner entitled to such pension, the pension shall be paid to the dependent child or children of the deceased Member, divided in such manner as the Board in its discretion shall determine, to continue until every such child dies or attains twenty-one (21) years of age.

(b) The monthly pension payable to the person or persons entitled thereto in accordance with the subsection (a), above, shall be equal to one-half of the amount computed as a normal service retirement allowance in accordance with of Section 5.01, as though the date of the Member's death were the normal retirement date, on the basis of the Member's final average monthly earnings and creditable service at the time of death; provided that, for members of the Classified System who became members of this Plan on the effective date of this Ordinance, such pension shall not be less than thirty percent (30%) nor more than forty percent (40%) of final average monthly earnings; further provided that, in the case of a person who became a Member of the Classified System prior to November 1, 1976, if the Accumulated Employee Contributions credited to the Member at the time of death are less than would have been credited to him if he had contributed at the rate of six per centum (6%) of his earnings from the time he became a participant under the predecessor system governed by Ordinance No. 845, the pension computed in accordance with the foregoing provisions of this paragraph shall be reduced by half of the amount by which the retirement allowance of the deceased Member would have been reduced if he were retiring on a normal or early service retirement allowance as of the date of his death; and further provided that, if the pension is payable to a spouse or domestic partner who is more than fifteen (15) years younger than the Member, the pension shall be reduced to an amount which is the actuarial equivalent, of the pension payable to the spouse if said spouse or domestic partner were exactly fifteen (15) years younger than the deceased Member. In the event of the death of the spouse or domestic partner after pension payments have commenced, a pension computed in accordance with the foregoing sentence but prior to any reduction because of the difference in the ages of the deceased Member and the surviving spouse or domestic partner shall be paid to the dependent child or children of the deceased Member under twenty-one (21) years of age, divided in such manner as the Board in its discretion shall determine, until every such child dies or attains twenty-one (21) years of age.

5.07 Death Benefits after Retirement

(a) Upon receipt of evidence, satisfactory to the Board, of the death of a Retirant, a monthly pension shall be payable to the surviving spouse or domestic partner of the deceased Retirant, provided that the spouse had been married to the Retirant or the domestic partnership was registered on the date of retirement or termination of service, whichever occurred first, and for a least one (1) year prior to such date; and further provided, that if the Retirant had elected an option in accordance with Section 5.07 which was in effect at the time of his death, monthly benefits shall be continued after his death, in lieu of benefits under this section 5.06, in accordance with the option.

(b) The monthly pension payable to the surviving spouse or domestic partner of a deceased Retirant pursuant to the foregoing paragraph of this Section 5.06 shall be equal to fifty percent (50%) of the retirement allowance which would have been payable to the deceased Retirant if the Retirant had been alive at the time of the monthly payment; provided, that, if the surviving spouse or domestic partner is more than fifteen (15) years younger than the deceased Retirant, such monthly pension shall be reduced to an amount which is the actuarial equivalent of such pension for a spouse exactly fifteen (15) years younger than the deceased Retirant.

(c) If any such deceased Retirant is not survived by a spouse or domestic partner entitled to a pension in accordance with the foregoing paragraphs of this Section 5.06, or if the death of such a spouse or domestic partner occurs after pension payments have commenced in accordance with the foregoing paragraph, the pension which would otherwise have been payable to a surviving spouse or domestic partner eligible therefor and not more than fifteen (15) years younger than the deceased Retirant shall be payable to the dependent child or children of the said deceased Retirant, if any, divided in such manner as the Board in its discretion shall determine, to continue until every such child 1) marries or dies, or 2) attains eighteen (18) years of age or twenty-two (22) years of age in the case of a child who is a full-time student in high school or college; provided that, for children of Members in classifications within the AFSCME bargaining unit, the pension shall continue to twenty-five (25) years of age in the case of a child who is a full-time student in high school or college; provided that in the case of a physically or mentally disabled child, the pension shall continue until the child recovers from the disability. As used in this paragraph, a "physically or mentally disabled child" is one who 1) is unmarried, 2) is entitled to and receives a child's disability benefit based upon determination by the Social Security Administration that the child is unable to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last

for a continuous period of not less than twelve (12) months and 3) was suffering from such impairment prior to attaining eighteen (18) years of age (or twenty-two (22) years of age in the case of a child who was a full time student in high school or college, or twenty-five (25) years of age in the case of a child who was a full-time student in high school or college and is the child of a Member in a classification within the AFSCME bargaining unit). Notwithstanding the foregoing, only children who were dependent beneficiaries of the Retirant on the date of retirement or termination of service, whichever is first, shall be eligible for a pension under this paragraph.

(d) If there are no pension benefits payable to a surviving or domestic partner, child or children pursuant to paragraphs (a), (b) or (c) above, then the aforementioned pension shall be paid to the dependent parent, if any, of the deceased member. If both parents are dependent, such benefit shall be shared equally between them.

(e) Notwithstanding any provision of this Section 5.06 to the contrary, in the event that an optional benefit had been elected by a Retirant in accordance with Section 5.07, and such election is in effect at the time of the Retirant's death, monthly benefits, if any, shall be payable after death to the person designated as the contingent annuitant in accordance with the optional election, and no benefits shall be payable as a result of the death of the Retirant under this Section 5.06.

(d) For members of the Unclassified System who became members of this Plan on the effective date of this Ordinance, under no circumstances shall any surviving spouse or domestic partner of a deceased Member or Retirant receive a pension if the surviving spouse remarries, or if the domestic partner registers as the domestic partner of any other person.

5.08 Optional Benefits

(a) In lieu of the normal or early retirement benefits provided in sections 5.01 and 5.02, above, a Member may elect to receive an optional benefit under this section 5.07. The optional benefit is the actuarial equivalent of the Member's normal or early retirement benefit. If the member's written election of an optional benefit is received by the Board at least thirty (30) days prior to the date of commencement of retirement benefits, the election of the optional benefit shall become effective on the date the retirement benefit commences. If such election is received by the Board at any later date it shall become effective thirty (30) days after the date the retirement allowance commences.

(b) A Member who elects an optional benefit must designate a contingent annuitant to receive a benefit following the Member's death. A Member may designate his/her spouse, domestic partner, child or any other person who is shown, on the basis of evidence satisfactory to the Board, to be dependent upon or receiving substantial support from the Member, as the contingent annuitant; provided, if the contingent annuitant is a minor child, the retirement

benefit shall not be payable under the option after the death of the Member after the minor child attains twenty-one (21) years of age. If the designated contingent annuitant is the Member's spouse or domestic partner on the date of retirement or termination of service, whichever occurred first, and for at least one (1) year prior to such date, the monthly benefit payable under the option to the Member and the surviving contingent annuitant shall be the actuarial equivalent of the benefit which would have been payable in the absence of the member's election to receive an optional benefit, as a retirement benefit to the Member after retirement and as a pension after the Member's death to the surviving spouse or domestic partner in accordance with Section 5.06; otherwise, the monthly benefit payable under the option shall be the actuarial equivalent of the retirement allowance payable only to the Member after retirement and prior to the election of an optional benefit.

(c) The election of an optional benefit may not be revoked or changed by the Member but, if the Member or the contingent annuitant designated under the option dies prior to the date the option becomes effective, the election shall thereby be revoked.

(d) A member may elect one of the following optional benefits:

Option 1. A reduced retirement benefit payable during the Member's life, and after the Member's death the same monthly benefit shall be paid to the Member's contingent annuitant for the contingent annuitant's lifetime; or

Option 2. A reduced retirement allowance payable during the Member's life, and after the member's death an allowance equal to two-thirds (2/3) of the Member's reduced monthly allowance shall be paid to the contingent annuitant for the contingent annuitant's lifetime.

5.09 Refund of Accumulated Employee Contributions

(a) A Member may elect, upon ceasing to be an Employee for any cause other than retirement or death, to receive in one sum the Accumulated Employee Contributions credited to the Member.

(b) Upon receipt of a refund of accumulated employee contributions, all creditable service shall be canceled, such creditable service shall not be reinstated if the Member is reemployed by the City in the future, and the Member shall be considered a new Member as of the date of reemployment.

(c) Upon receipt of evidence satisfactory to the Board, of the death of a Member prior to the commencement of retirement benefits, with no surviving spouse, domestic partner or dependent children entitled to receive a pension as provided in Section 5.05, the amount of the Member's Accumulated Employee Contributions at the time of death shall be payable in one sum to the Member's designated beneficiary if living, otherwise to such Member's estate.

(d) Upon receipt of evidence satisfactory to the Board, of the death of a Retirant who is not survived by a spouse, domestic partner or dependent children entitled to a pension in accordance with Section 5.06, provided the Member has not elected an optional benefit that has become effective, any excess of Accumulated Employee Contributions at retirement over the sum of the retirement benefit payments received shall be paid in one sum to the Member's designated beneficiary if living, otherwise to such Member's estate.

(e) Upon receipt of proof satisfactory to the Board, of the death of the survivor of a Retirant and the contingent annuitant under an option, if an option has been elected and has become effective, any excess of the Retirant's Accumulated Employee Contributions at the time of retirement over the sum of the benefit payments received shall be paid to the Retirant's beneficiary if living, otherwise to the estate of the survivor of such Retirant and contingent annuitant.

(f) Upon receipt of proof satisfactory to the Board, that no further benefits are payable as the result of the death of a Member prior to the commencement of any retirement benefit, the excess, if any, of the Accumulated Employee contributions at the time of his death over the benefit payments received by the Member's spouse or domestic partner and dependent children shall be paid in a single sum to the Member's designated beneficiary if living, otherwise to such Member's estate.

(g) Upon receipt of proof satisfactory to the Board, that no further benefits are payable as the result of the death of a Retirant, the excess of the Retirant's Accumulated Employee Contributions at retirement over benefit payments received by the Retirant, the Retirant's spouse or domestic partner and dependent children shall be paid in one sum to the Retirant's designated beneficiary if living, otherwise to such Retirant's estate.

(h) A Member's beneficiary for receipt of the single sum payments in accordance with this Section 5.08 must have been designated by the Member in writing and filed with the Board prior to the member's death. A Member may designate more than one beneficiary for this purpose; provided that in such event the Member must specify the manner in which payments to the multiple beneficiaries shall be allocated, The Member may also designate alternate beneficiaries with a specified order or priorities for entitlement to single sum payments in the event of death. A Member may change the designated beneficiary or beneficiaries by similar written designation. A designation, revocation or change of the contingent annuitant under an optional benefit may be made only as provided in Section 5.07.

5.10 Post Retirement Adjustments

(a) The benefits payable to Retirants and Pensioners on the effective date of this Ordinance and the benefits commencing in accordance with this Ordinance on or after such date shall be continued without change except as increased in accordance with this Section 5.10

(b) "Improvement Factor" for the purpose of this Section 5.10 means an increase of two and one-half percent (2.5%) per annum in retirement allowances or pensions for each year commencing on October 1 following the completion of 364 days after the commencement date of the retirement allowance or, if applicable to pensions payable as the result of the death of a Member prior to his retirement, one full year after the commencement date of the pension. The Improvement Factor shall be compounded, and shall be applied to the retirement allowance or pension payable as the result of the retirement, termination or death of a Member, whichever is applicable.

(c) The Improvement Factor shall be applied automatically as of each October 1, with respect to retirement allowances payable for more than one year as of such time.

(d) 1. Upon the death of a Retirant, the pension payable thereafter to his dependent beneficiary shall be based on the retirement allowance payable as of the date of such death, including the benefit improvements granted in accordance with this Section 5.09, and on each October 1 subsequent to such death the Improvement Factor shall be applied to the then-current retirement allowance.

5.11 Return to Active Service

(a) If a former Member who is entitled to a vested retirement allowance not yet payable returns to service with the City as an Employee before such allowance has become payable, he shall again become a Member, but benefits payable with respect to earnings and creditable service after the Member's reemployment shall be based on the provisions applicable to a Member whose employment with the City commences on the date of reemployment. He shall contribute to the Plan at the rate required, pursuant to Section 6.02, of Employees who become Members for the first time. Creditable service rendered before and after the Member's return to service shall be considered for the purpose of determining the benefit payable; provided, in the event of the Member's subsequent termination of employment for reasons other than death or retirement, only creditable service rendered after reemployment shall be considered for the purpose of determining entitlement to a vested retirement benefit based on service rendered after reemployment. Upon subsequent retirement, the Member's retirement benefit shall be equal to the sum of the amounts computed on the basis of final average monthly earnings and creditable service with respect to each period of service as an Employee; provided that the retirement allowance shall not exceed the retirement allowance which would have been payable if creditable service had been one period of continuous service.

(b) Should a Retirant, other than a disability Retirant restored to service in accordance with Section 5.04(g), be employed by the City as an Employee, such Member's retirement benefit shall cease and the Member shall again become a Member of the Plan, but benefits payable with respect to the Member's earnings and creditable service after reemployment shall be based on the provisions applicable to a Member whose employment with the city commences on the date of reemployment. The Member shall contribute at the rate required, pursuant to Section 6.02, of Employees who become Members for the first time. An amount equal to the excess, if any, of the Member's Accumulated Employee Contributions at the time of his retirement over the amount of retirement benefits received shall be credited as Accumulated Employee Contributions as of the date of reemployment. Creditable service rendered before and after reemployment shall be considered for the purpose of determining entitlement to a normal or early service retirement allowance upon subsequent retirement. Upon subsequent retirement, the Member's retirement allowance shall be equal to the sum of the retirement allowance payable during the previous retirement, adjusted actuarially, if reemployment is prior to the normal retirement date, for the period from the date of reemployment to the date of subsequent retirement or normal retirement date, whichever occurs first, plus the amount computed as a retirement allowance on the basis of final average monthly earnings and creditable service for the period after the last date of reemployment; provided that the total retirement benefit shall not exceed the retirement allowance which would have been payable if all years of creditable service had been a continuous period. If an option had been elected and in effect at the time of reemployment, the option shall continue to be in effect after reemployment, with respect to the retirement benefit payable prior to reemployment.

(c) The return of a disability Retirant to employment with the City prior to the normal retirement date in accordance with Section 5.04(g) shall be governed by said Section 5.04(g). Return of such a person to employment with the City after the normal retirement date, as defined in Section 5.04, or after the date as of which he ceased to be entitled to a disability retirement allowance pursuant to Section 5.04(h) shall be governed by the provisions of Paragraph (a) or (b) of this Section 5.11, whichever is applicable at the time of such return.

(d) Should a Pensioner be employed by the City in any capacity for which regular compensation is paid, the Pension shall cease to be paid to said Pensioner for the period of such employment, and such person shall be subject to the provisions of this Ordinance as any other person employed by the City. Upon termination of such employment, such person shall elect to receive either the benefit to which he was previously entitled as a Pensioner if still eligible therefore or the benefit, if any, to which he is otherwise entitled on the basis of his membership in this Plan.

5.12 Early Retirement Incentive Program

Effective upon the effective date of this Ordinance, a voluntary early retirement incentive program is established for members of the Classified System who became members of this Plan on the effective date of this Ordinance, who are in classifications within the CWA bargaining unit and who entered the service of the City prior to February 21, 1994. Such Members who are at least 48 years of age or who will attain age 48 within 90 ninety days following the effective date of this Ordinance may elect to retire on or after the effective date of this Ordinance and before the expiration of ninety (90) days following such effective date, by submitting an irrevocable election in writing to the City prior to such effective date. The amount of the retirement benefit payable to Members so electing shall be equal to the pension benefit accrued by such Member at the time of retirement, with no reduction for early retirement. The early retirement incentive program provided in this Section 5.12 shall apply to Members in classifications within the AFSCME and GSA bargaining units upon ratification of a collective bargaining agreement that provides for such program.

ARTICLE 6. Financing

6.01 Assets of Predecessor System

(a) All moneys, investments and assets of the Classified System and Unclassified System as of the effective date of this Ordinance shall become assets of this Plan as of such date.

(b) The amount credited to each member of the Classified System and Unclassified System as "Accumulated Employee Contributions" as of the effective date of this Ordinance shall be credited to each such Member under this Plan on such date as Accumulated Employee Contributions.

6.02 Contributions by Members

(a) Each Member shall contribute to the Plan eight percent (8%) of earnings, except as otherwise provided in this Section 6.02. The contributions made by each Member to the Plan shall be deducted from the Member's Earnings and designated as Employer contributions pursuant to section 414(h) of the Internal Revenue Code. Such designation is contingent upon the contributions being excluded from the Members' gross income for Federal Income Tax purposes. For all other purposes of the Plan, such contributions shall be considered to be Member contributions.

(b) Notwithstanding subsection (a) above, all persons entering service with the City prior to April 1, 1993 who are in the classifications within the AFSCME bargaining unit; and all persons entering service with the City prior to February 21, 1994 who are in classifications within

the CWA (MBEBA) bargaining unit, shall contribute to the Plan ten percent (10%) of their earnings throughout their service as a Member of this Plan.

(c) Notwithstanding subsection (a), above, Members of the Unclassified System who entered service with the City prior to October 18, 1992, were continuously members of the Unclassified System from that date until the effective date of this Ordinance, and who became Members of this Plan on the effective date of this Ordinance shall contribute to the Plan ten percent (10%) of their earnings.

(d) Notwithstanding subsection (a), above, Members who are in classifications within the CWA bargaining unit, members of the Classified System who became Members of this Plan on the effective date of this Ordinance and are not in any bargaining unit, and members of the Unclassified System who became Members of this Plan on the effective date of this Ordinance, who accrue the maximum retirement benefit payable under the Plan and continue in City employment, shall contribute to the Plan an amount equal to the applicable percentage contribution in accordance with subsections (a), (b) and (c), above, but such percentage shall be applied only to the amount of earnings in excess of such Members' rate of earnings at the time the member accrued the maximum retirement benefit payable under the Plan. For example, if a Member with earnings of \$2,000 each pay period attains the maximum benefit percentage payable under the plan (80% or 90%, depending on which cap applies to the member), the employee contribution will cease until the member has earnings in excess of \$2,000, at which time the Employee contribution would be 10% (or 8%, depending on the contribution rate that is applicable) of the excess over \$2,000. If the member's earnings increase to \$2,500 per pay period, the Member would contribute \$50.00 (at the 10% contribution rate) each pay period. The limitation on member contributions provided in this subsection shall apply to Members in classifications within the AFSCME and GSA bargaining units upon ratification of a collective bargaining agreement that provides for such limitation.

6.03 Contributions by City

(a) It is the intent of this Ordinance that the City contribute to the Plan each year the amounts actuarially determined to be required, in addition to contributions by Members, to cover the cost of the benefits provided by the Plan. All administrative expenses shall be paid by the Plan.

(b) An actuarial valuation investigation of the Plan shall be performed annually to determine the contribution payable by the City. On the basis of regular interest and of such mortality and service tables as shall be adopted by the Board of Trustees, the actuary shall determine, immediately after making each valuation, the percentage of the compensation of all Members required, in addition to contributions payable by such Members, as contributions payable by the City to provide the benefits of the Plan currently accruing to such Members; the rate per centum so

determined shall be known as the "Normal Contribution Rate" and the contributions based on this rate shall be known as "Normal Contributions." In addition, the actuary shall determine the part of the liabilities for benefits under the Plan not covered by assets in hand, future contributions of Members and future normal contributions of the City and this amount shall be known as the "Unfunded Accrued Liability"; the percentage of compensation of Members determined to be payable on account of such liability shall be known as the "Accrued Liability Contributions Rate". Also, the actuary shall determine the percentage of compensation necessary to provide for payment of the administrative expenses of the Plan and this rate shall be known as the "Administrative Cost Rate". The actuary shall recommend on the basis of each valuation a Normal Contribution Rate and an Accrued Liability Contribution Rate and an Administrative Cost Contribution Rate.

(c) It is the intention of this Ordinance that contributions be set at such levels, as recommended by the Actuary designated by the Board, as to provide for a systematic amortization of any unfunded accrued liability over a period of thirty (30) years from the date as of which such liability is incurred.

6.04 Contributions by other Agencies

The Miami Beach Visitor and Convention Authority, this Plan, the Classified Plan, the Unclassified Plan, and the City Pension Fund for Firemen and Policemen shall contribute to this Plan the same percentage of payroll rate as the City on behalf of employees who become members of this Plan.

ARTICLE 7. Preservation of Benefits Plan

7.01 The Preservation of Benefits Plan adopted in Resolution No. 89-19808 is incorporated herein and revised as set forth in this Article 7. The Preservation of Benefits Plan is established as a qualified governmental excess benefit arrangement pursuant to section 415(m) of the Internal Revenue Code. The Preservation of Benefits Plan is provided for the purpose of providing benefits to a payee (Retirant or Beneficiary) of this Retirement Plan whose benefits would otherwise be limited by section 415(b) of the Internal Revenue Code.

7.02 A payee of the Plan shall participate in the Preservation of Benefits Plan whenever his or her earned benefit under the Plan exceeds the benefit maximum established under section 415(b) of the Internal Revenue Code. Participation in the Preservation of Benefits Plan shall continue for as long as the payee's earned benefit under the Plan is reduced by the application of the maximum benefit limit under section 415(b) of the Internal Revenue Code.

7.03 On and after the effective date of this Ordinance, the City shall pay to each eligible payee of the Plan who retires on or after such date, a supplemental benefit equal to the difference between

the amount of the payee's monthly retirement benefit which would have been payable under the Plan if not for a reduction due to the application of section 415(b) of the Internal Revenue Code, and the reduced monthly retirement benefit as paid to the payee. The Preservation of Benefits Plan benefit shall be computed and payable under the same terms and conditions and to the same person as would have applied under the Plan were it not for the reduction resulting from the application of section 415(b) of the Internal Revenue Code.

7.04 The benefits paid under the Preservation of Benefits Plan shall not be subject to execution, garnishment, attachment, or any other process of any court with respect to a payee under the Preservation of Benefits Plan.

7.05 The Preservation of Benefits Plan shall be unfunded within the meaning of the federal tax laws. No payee contributions or deferrals, direct or indirect, by election or otherwise shall be made or allowed under the Preservation of Benefits Plan.

7.06 The Preservation of Benefits plan shall be administered by the City. Benefits due under the Preservation of Benefits plan as determined by the City Finance Director shall be paid timely by the City. The Finance Director may make modifications to the benefits payable under the preservation of benefits plan as may be necessary to maintain compliance with section 415(m) and other relevant sections of the Internal Revenue Code. The Board of Trustees shall furnish to the City all records necessary for the administration of the Preservation of Benefits Plan, including, but not limited to, the making of requisite calculations and disbursements under the Preservation of Benefits Plan.

ARTICLE 8. BOARD OF TRUSTEES

8.01 The Plan created by this Ordinance shall be construed as a trust and shall be administered by a Board of Trustees. The Board shall have the general responsibility for the proper operation and management of the Plan and for making effective the provisions of this Ordinance.

8.02 The Board shall consist of nine (9) persons, each of whom shall be designated as a trustee, as follows:

- (a) Three Members of the Plan elected by Employees who are Members of the Plan;
- (b) Two (2) Retirants elected by the retired Members of the Plan; and
- (c) Four persons appointed by the City Manager;

8.03 The elected members of the Board of Trustees of the Classified System shall continue to serve as the elected Trustees of this Plan for the remainder of their terms. The City Manager may reappoint some or all of the Trustees who were appointed to serve as Trustees of the

Classified System, or may appoint new Trustees to serve as appointed Trustees of this Plan. Elected Trustees shall serve for three (3) year terms and the rules governing their election shall be as prescribed by the Board. Appointed Trustees shall serve at the pleasure of the City Manager.

8.04 Each trustee shall take an oath of office within ten (10) days after his election or appointment. A trustee shall serve without compensation but shall be reimbursed for any expenses incurred as the result of service as a trustee.

8.05 The Board shall annually elect from its membership a Chairman and a Vice Chairman and shall elect a Secretary from among the City Manager's appointees. Each trustee shall be entitled to one (1) vote, and five (5) concurring votes shall be necessary for a decision by the trustees at any meeting of the Board.

8.06 The Board shall have, in addition to all other powers and duties arising out of this Ordinance not otherwise specifically reserved or delegated to others, the following specific powers and duties:

(a) Hold regular meetings at least quarterly in each year and special meetings at such time as a majority of the Board or the Chairman may deem necessary.

(b) Establish rules and regulations to implement the provisions of this Ordinance, and formulate policy for the proper administration of the Plan and the transaction of its business.

(c) Consider and pass on all applications for retirement and other benefits, authorize the granting of all retirement allowances, pensions and lump sum settlements, and suspend any payment or payments, all in accordance with the provisions of this Ordinance.

(d) Adopt from time to time service and mortality tables and the rate of regular interest for use in actuarial calculations in connection with the Plan.

(e) Submit to the City Manager on or before July 1 of each year an estimate of the amount of appropriation required for the purpose of the Plan for the following fiscal year. Any expenditure of the Board in excess of the amounts appropriated by the City in any budget category must be approved in advance by the City Manager and City Commission.

(f) Employment of such actuarial, legal or investment counsel or specialized technical assistance as may be required for the efficient operation of the Plan.

(g) Maintain accounts and records showing the fiscal transactions of the Plan and keep in convenient form such data as may be necessary for the actuarial valuations of the Plan; require from each person covered under the Plan such information as shall be necessary for the proper operation of the Plan; require the maintenance of adequate accounting records which shall at all times reflect the financial condition of the Plan.

(h) Provide for the receipt of all payments made to the Plan and records thereof, and cause them to be deposited immediately with the custodian of the fund.

(i) Keep a permanent record of all proceedings of the Board which shall be tape recorded and available for examination by any Member, Retirant or Pensioner, or by any Officer of the City.

(j) Designate for specified periods, or as occasion may require, three (3) physicians who are not eligible for membership in the Plan as Physical Examiners; such Physical Examiners shall arrange for, and conduct, all physical and mental examinations required under this Ordinance, shall investigate all essential statements and certificates in connection with applications for disability retirement, and shall report in writing to the Board their conclusions and recommendations upon all matters referred to them.

(k) Be the legal custodian of all cash and securities of the Plan, invest and reinvest all cash not required to meet current disbursements in securities; and subject to the limitations of this Ordinance, the Board shall have full power to hold, purchase, sell, assign, transfer and dispose of any of the securities and investments as well as the proceeds of such investments.

(l) Provide for certification on its behalf of all warrants issued in accordance with actions of the Board authorizing payments for benefits, expenses and investments out of funds belonging to the Plan, and provide for certification on its behalf of all amounts required by the Plan to be levied as taxes by the City.

(m) Cause a general investigation to be made by a Consulting Actuary, at least once every three (3) years, and cause recommendations to be furnished as a result of such investigation as to the actuarial tables and rates of contributions to be used.

(n) Cause an audit of the affairs of the Plan to be made annually, with interim quarterly reports by an independent Certified Public Accountant, and submit a copy thereof to the City Manager as soon as possible after the end of each fiscal year.

(o) Accept any gift, grant or bequest of any money or securities under the terms designated by the grantor, or, if no special purpose or allocation is specified, for credit to the funds of the Plan.

(p) Make available to Members, Retirants and Pensioners a financial statement including a summary of the report of the Certified Public Accountant, and issue to each Member, as soon as practicable following the close of each fiscal year, an individual statement showing the Accumulated Employee Contributions standing to his credit.

(q) Require the preparation of an annual report as of the close of each fiscal year for submission to the City Commission; said report shall embody, among other things, a financial

balance sheet and a statement of receipts and disbursements for the fiscal year, schedules of acquisitions and sales or exchanges of investments, a statement of investments owned at the close of the fiscal year and other pertinent financial and operating data.

(r) Establish rules governing the election of the trustees as described in Section 8.02 (b) and (c).

(s) May appoint an Administrator of such Pension Plan and fix the terms of employment of such Administrator who shall serve at the pleasure of the Board.

ARTICLE 9. Investments

9.01 The assets of the Plan, in excess of the amount required to meet current operations or pension and retirement payments, shall be invested in accordance with the following paragraph.

The trustees shall, in acquiring, investing, reinvesting, exchanging, retaining, selling and managing property for the benefit of the Plan, exercise the judgment and care under the circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. Within the limitations of the foregoing standard, a trustee is authorized to acquire and retain every kind of property, real, personal or mixed, and every kind of investment specifically including, but not by way of limitation, bonds, debentures and other corporate obligations, and stocks, preferred or common, which men of prudence, discretion and intelligence acquire or retain for their own account and, within the limitations of the foregoing standard, a trustee may retain property acquired, without limitation as to time and without regard to its suitability for original purchase.

9.02 All investments shall be clearly marked to indicate that they are a part of the assets of the Plan, and to the extent possible they shall be so registered.

9.03 Transactions involving the sale of bonds and simultaneous purchase of other bonds for substantially the same consideration may be treated as exchanges rather than two separate transactions. No adjustments shall be made in investment valuations for ordinary current market price fluctuations, but reserves may be provided for anticipated losses upon redemption as determined by the Board.

9.04 Except as otherwise herein provided, no trustee or employee of the Board shall have any direct interest in the income, gains or profits of any investments made by the Board, nor shall any such person receive any pay or emolument for services in connection with any investment. Proof that any such person violated any of these restrictions shall make such person guilty of a

misdemeanor or felony, as the case may be, and such person shall be punishable therefor as provided by law.

ARTICLE 10 Administration

10.01 Pension Administrator

The Pension Administrator shall have responsibility for the administration of the Plan. As such, he will have responsibilities which shall include, but not necessarily be limited to, the duties specified in this Section 10.01.

(a) The Pension Administrator shall establish and maintain records on all persons covered under the Plan.

(b) The Pension Administrator shall verify the amounts entered by the Payroll Department as deductions for contributions by Employees to the Plan and shall certify all payrolls on which such deductions are entered.

(c) The Pension Administrator shall receive applications for retirement and other benefits, compute retirement allowances, pensions and lump sum settlements, compute and credit interest to individual accounts and make such analyses, computations and other determinations and records as the Board may deem necessary for the efficient operation of the Plan.

(d) It shall be the duty of the Pension Administrator to notify the Board of any new Members, withdrawal of Members, applications for retirement and lump sum payments, and such other personnel information as the Board may require.

(e) The Pension Administrator shall maintain necessary records to show receipts by payroll deductions, City contributions, donations and investment returns, and to show disbursements for retirement allowances, pensions and lump sum settlements. He shall also keep such other financial records of the moneys and investments of the Plan as the Board deems necessary.

(f) All payments from the funds of the Plan shall be made by the Pension Administrator only upon vouchers signed by the Chairman of the Board of Trustees. A duly attested copy of a resolution of the Board bearing on its face the specimen signature of the Pension Administrator shall be filed as authority for making payments upon such vouchers. No voucher shall be drawn unless it shall have been previously authorized by resolution of the Board, except that the Board may, by resolution authorize the Pension Administrator to issue vouchers for refunds of Accumulated Employee Contributions in accordance with Section 5.08 and for minor adjustments in contributions by Employees.

(g) For the purpose of meeting current disbursements, cash equal in amount, as nearly as practicable, to the regular demands for the ensuing month shall be kept available in deposit.

10.02 City Attorney

(a) The City Attorney shall serve as legal advisor of the Board when requested to do so, and his services on behalf of the Board shall not be compensated additionally.

Legal Counsel

(b) The Board shall be vested with the authority to retain private legal counsel for representation thereof.

(c) Counsel retained hereunder shall be subject to the approval of the City Commission.

ARTICLE 11 General

11.01 The Assets of the Classified and Unclassified Systems as of the effective date of this Ordinance shall become the assets of this Plan on such date. The assets of the Plan shall be invested as one fund, and no particular person, or group of persons, shall have any right in, or to, any specific security or property, or in or to any item of cash, other than an undivided interest in the whole, as specified in the provisions of this Ordinance.

All the funds of the Plan shall be held in trust for use in providing the benefits of the Plan and paying its expenses not paid directly by the City; provided that no part of the corpus or income of the funds shall be used for, or diverted to, purposes other than for the exclusive benefit of members or their beneficiaries under the Plan prior to the satisfaction of all liabilities for benefits with respect to them or for the administrative expenses of the Plan. In case of termination of the Plan, or in the event of the discontinuance of contributions thereunder having the effect of such termination, the rights of all members of the Plan to benefits accrued to the date of such termination or discontinuance, to the extent then funded, shall be nonforfeitable.

11.02 All retirement allowances, pensions, and other benefits payable under the provisions of this Ordinance, and all accumulated credits of Employees in the Plan shall not be assignable.

11.03 Any person who shall knowingly make any false statement, or shall falsify, or permit to be falsified, any record or records of the Plan in any attempt to defraud the Plan shall be guilty of a misdemeanor, and shall be punishable therefor, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, in the discretion of the Court.

11.04 No provision of any ordinance, which provides wholly or partly, at the expense of the City, for retirement allowances, pensions, or other benefits for employees of the City, their widows or other dependents, shall apply to persons covered by the Plan established by this Ordinance.

11.05 Any changes in contributions or benefits contained in this Ordinance shall apply prospectively to Members who are employed by the City on the effective date of this Ordinance who retire on or after such effective date, and to Members who enter the service of the City after such effective date.

ARTICLE 12. Rollover Distributions

12.01 Election by Distributee

This Article applies to distributions made on or after January 1, 1993. Notwithstanding any provision of this Ordinance to the contrary that would otherwise limit a distributee's election under this Article, a distributee may elect, at the time and in the manner prescribed by the plan administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

12.02 Definitions

For purposes of this Article, the following definitions shall apply:

(a) Eligible rollover distribution: An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal Revenue Code; and the portion of any distribution that is not includible in gross income.

(b) Eligible retirement plan: An eligible retirement plan is individual retirement account described in Section 408(a) of the Internal Revenue Code, an individual retirement annuity described in Section 408(b) of the Internal Revenue Code, an annuity plan described in Section 403(a) of the Internal Revenue Code, an eligible deferred compensation plan described in section 457(b) of the Internal Revenue Code which is maintained by an eligible employer described in section 457(e)(1)(A) of the Internal Revenue Code and which agrees to separately account for amounts transferred into such plan from this Plan, an annuity contract described in section 403(b) of the Internal Revenue Code, or a qualified trust described in section 401(a) of the Internal revenue Code that provides or accepts the distributee's eligible rollover distribution. However, in the case of

an eligible rollover distribution to the surviving spouse or domestic partner, an eligible retirement plan is an individual retirement account or individual retirement annuity.

(c) Distributee: A distributee includes an Employee or former Employee. In addition, the Employee's or former Employee's surviving spouse or domestic partner are distributees with regard to the interest of the spouse or domestic partner.

(d) Direct rollover: A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.

12.03 Rollovers or Transfers into the Fund. On or after the effective date of this Ordinance, the Plan will accept an eligible rollover distribution or direct transfer of distribution for the purchase of credited service pursuant to Section 4.04 as follows:

- (a) Transfers, Direct Rollovers or Member Rollover Contributions from Other Plans. The Plan will accept either a direct rollover of an eligible rollover distribution or a member contribution of an eligible rollover distribution from a qualified plan described in section 403(a) of the Code, from an annuity contract described in section 403(b) of the Code, or from an eligible plan under section 457(b) of the Code, which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state. The Plan will also accept legally permissible Member requested transfers from eligible retirement plans.
- (b) Member Rollover Contributions from 401(a) Plans and IRAs. The plan will accept a member rollover contribution of the portion of a distribution from qualified plan described in section 401(a) of the Code, or from an individual retirement account or annuity described in section 408(a) or 408(b) of the Code, that is eligible to be rolled over and would otherwise be includible in the member's gross income.

ARTICLE 13. Election of Contributions and Benefits by Unclassified Employees Hired Prior to October 18, 1992

13.01 Notwithstanding any other provision of this Ordinance, a Member who became a member of the Unclassified System prior to October 18, 1992 and was continuously a member of the Unclassified System from that date until the effective date of this Ordinance, may make a one-time, irrevocable option of contributions and benefits in accordance with this Article 13. Within thirty (30) days following the effective date of this Ordinance, any such Member may elect one of the following options:

- (a) To retain all contributions, rights and benefits provided to members of the Unclassified System who became members of the Unclassified System prior to October 18, 1992 and were continuously members of the Unclassified System from that date until the effective date of this Ordinance, in accordance with the provisions of the Unclassified System in effect on the day before the effective date of this Ordinance;
- (b) To obtain the contributions, rights and benefits otherwise provided in this Ordinance to members of the Unclassified System who became members of the Unclassified System prior to October 18, 1992 and were continuously members of the Unclassified System from that date until the effective date of this Ordinance; or
- (c) To obtain the contributions, rights and benefits otherwise provided in this Ordinance to members of the Unclassified System who became members of the Unclassified System after October 18, 1992, and who became Members of this Plan on the effective date of this Ordinance.

13.02 In the event a Member who is eligible to make an election pursuant to this Article 13 does not make such an election within thirty (30) days following the effective date of this Ordinance, the contributions, rights and benefits otherwise provided in this Ordinance to members of the Unclassified System who became members of the Unclassified System prior to October 18, 1992 and were continuously members of the Unclassified System from that date until the effective date of this Ordinance, shall apply to such Member.

ARTICLE 14. APPLICATION TO MEMBERS OF THE CWA BARGAINING UNIT WHO TERMINATE CITY EMPLOYMENT FOLLOWING RATIFICATION OF THE 2003-2006 COLLECTIVE BARGAINING AGREEMENT AND BEFORE THE EFFECTIVE DATE OF THIS ORDINANCE

All provisions of this plan that are applicable to employees in classifications within the CWA bargaining unit shall apply to such employees who are employed on the date the 2003-2006 collective bargaining agreement between the City and the CWA is ratified by the CWA bargaining unit and who terminate City employment after that date, but prior to the effective date of this ordinance, under the following conditions:

- a) On or after February 1, 2006, the employee must submit a letter of resignation/retirement to their respective Department Head and the City Labor Relations Director providing a minimum of two (2) weeks notice, (i.e., the employee will agree to work a minimum of ten

- (10) additional working days (not including sick or annual leave time); and
- b) The employee will leave any accrued sick or annual leave time with the City until they exercise any retirement options contained in this ordinance; and
 - c) Following the second reading of the this ordinance, the employee will have a period not to exceed twenty (20) days to submit all changes and any required monetary payments for the buyback and/or 401A conversion to the Pension Office.
 - d) In the event that the election and/or full payment is not made within the specified twenty (20) day time frame, there will no changes made to the pension for that employee, and any accrued sick or annual leave shall be paid to the employee.

ARTICLE 15. CONFLICTS AND SEVERABILITY

15.01 All Ordinances, and parts of ordinances, in conflict herewith shall be and the same, are hereby repealed.

15.02 In the event any article, section, paragraph, sentence, clause, or phrase of this Ordinance shall be adjudicated invalid or unconstitutional, such adjudication shall in no manner affect the other articles, sections, paragraphs, sentences, clauses or phrases of this Ordinance, which shall be and remain in full force and effect as fully as if the item so adjudged invalid or unconstitutional was not originally a part hereof.

PASSED and ADOPTED by the City Commission of the City of Miami Beach this ____ day of _____, 2006.

Mayor

Attest:

City Clerk

City Attorney

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney



Date

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, March 8, 2006**, to consider the following:

10:15 a.m.

An Ordinance Merging The Retirement System For General Employees Of The City Of Miami Beach With The Retirement System For Unclassified Employees Of The City Of Miami Beach, Thereby Creating The Miami Beach Employees' Retirement Plan; Implementing Provisions Of The 2003-2006 Collective Bargaining Agreement Between The City And The Communications Workers Of America; Amending Provisions Of The Retirement Plan Applicable To Non-Bargaining Unit And Unclassified Employees; The Changes Will Later Apply To Members Of The American Federation Of County State And Municipal Employees (AFSCME) And Government Supervisors Association (GSA) Bargaining Units Subject To The Collective Bargaining Process And Upon Ratification Of An Agreement By Those Units; Providing For Severability; Repealing All Ordinances In Conflict Therewith

Inquiries may be directed to the Labor Relations Department at (305) 673-7009.

10:20 a.m.

An Ordinance Amending Miami Beach City Code Chapter 78, Article II Thereof, Entitled "Employee Benefit Plans"; Amending Section 78-81, Entitled "Group Health Insurance," And Section 78-82, Entitled "Health Maintenance Organization," To Require That Employees Make A One-Time Irrevocable Election To Continue Participating In The City Group Health Insurance Or Health Maintenance Organization Program Prior To Termination Of Employment To Be Eligible For Such Continued Participation; Providing That Employees Who Participate In The Defined Contribution Retirement System Must Have Ten Years Of Full-Time City Employment To Be Eligible For Retiree Health Benefits; Providing For Specified City Contributions Toward The Cost Of Retiree Health Coverage For Employees Hired On Or After The Effective Date Of This Ordinance; Providing Certain Exceptions; Repealing All Ordinances In Conflict Therewith.

Inquiries may be directed to the Labor Relations Department at (305) 673-7009.

10:25 a.m.

An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Group IV Classifications, Those Being The Classifications Covered By The Communications Workers Of America (CWA), Local 3178, In Accordance With The Negotiated Agreement; There Shall Be No Wage Increase For Fiscal Year 2003/2004; All CWA Bargaining Unit Employees Shall Be Paid, Prior To Any Other Wage Increase, A One-Time Lump Sum Payment Valued At Three Percent (3%) Of The Employee's Base Pay And His/Her Regular Pay Enhancements And The Overtime That The Employee Earned During Fiscal Year 2003/2004 (I.E. Based On The Employee's Extended Pay Plus Overtime, But Not To Include Any Sick Time Bonus Or Any Differentials Or Allowances); The Above Payment Shall Not Be Pensionable And Shall Not Increase The Employee's Base Pay, Nor Result In Any Adjustment To The Pay Ranges Contained In The Pay For Performance Plan; Effective In The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); The Three Percent (3%) One-Time Lump Sum Payment Referred To Earlier In This Paragraph Shall Not Be Included In The Calculation Of The Six Percent (6%) Cost Of Living Adjustment (COLA); Effective With The First Pay Period Ending In October Of 2005, There Shall Be An Across The Board Wage Increase Of Three And One Half Percent (3.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Three And One Half Percent (3.5%); Amending The Salary Ranges Of The Classifications Specified In The Negotiated Agreement; Creating The Classifications Of Field Inspector I, Field Inspector II, Meter Analyst, Parking Dispatcher, Revenue Processor I And Revenue Processor II; Deleting The Titles Of Coin Room Money Handler, I.D. Technician I And I.D. Technician II; Deleting The Previous Format Of The CWA Section Of The Ordinance And Replacing It With The Current Format Of The Other Sections; Repealing All Ordinances In Conflict.

Inquiries may be directed to the Human Resources Department at (305) 673-7520.

10:30 a.m.

An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article VI Entitled "Naming Of Public Facilities And Establishments Of Monuments And Memorials," By Amending Section 82-501, Entitled "Generally", To Provide That The City Owned Building, Located At 2200 Liberty Avenue, Miami Beach, Florida, And Housing The Administrative Offices And Studio And Teaching Facilities Of The Miami City Ballet, Pursuant To The Lease Agreement Between The City, As Landlord, And Miami City Ballet, Inc. As Tenant, Shall Be Exempt From The Provisions Of Said Article VI, For So Long As Said City- Owned Building Is Leased To Miami City Ballet, Inc., A Not For Profit Corporation, And Used By The Ballet For The Aforestated Purposes And In Accordance With The Terms And Conditions Of The Lease Agreement.

Inquiries may be directed to the Finance Department at (305) 673-7466.

10:35 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article IV, "Supplementary District Regulations", Division 3, "Supplementary Use Regulations," By Adding Section 142-1110, Entitled "Mobile Storage Containers", To Regulate Storage Containers.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:40 a.m.

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Amending Chapter 82, "Public Property," Article II, "Sale Or Lease Of Public Property," Sections 82-36 Through 89-40, To Expand The Applicability Of The Ordinance To Include Vacations Of Easements, Alleys, Rights-Of-Way, Or Any Other Conveyance Or Reduction Of The City's Interest In Real Property; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:50 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off Street Parking", Article III, "Design Standards", To Modify The Requirements For Commercial And Residential Uses In Front Of Certain Portions Of A Parking Garage; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", By Amending Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", Section 142-156 To Modify The Requirements For New Construction To Require Residential Uses In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", Subdivision V, "RM-3 Residential Multifamily High Intensity", Division 4, "CD-1 Commercial, Low Intensity District", Division 5, "CD-2 Commercial, Medium Intensity District", Division 6, "CD-3 Commercial, High Intensity District", And Division 13, "MXE Mixed Use Entertainment District", To Add New Sections Specifying Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Division 18, "Performance Standard District", Section 142-695, To Add New Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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Condensed Title:

Ordinance amending City Code Chapter 78, Article II, to require that employees make a one-time irrevocable election to continue participating in the City group health insurance prior to termination of employment to be eligible for such continued participation.

Key Intended Outcome Supported:

Attract and maintain a quality workforce.

Issue:

Should the City adopt the ordinance which implements some of the terms of the collective bargaining agreements between the City and the CWA, AFSCME and GSA bargaining units as they pertain to retiree health benefits?

Item Summary/Recommendation:

The proposed ordinance implements some of the terms of the collective bargaining agreements between the City and the CWA, AFSCME and GSA bargaining units as they pertain to retiree health benefits. The Administration recommends an ordinance amending City Code Chapter 78, Article II thereof, entitled "Employee Benefit Plans"; amending section 78-81, entitled "Group Health Insurance", and section 78-82, entitled "Health Maintenance Organization", to require that employees make a one-time irrevocable election to continue participating in the City group health insurance or health maintenance organization program prior to termination of employment to be eligible for such continued participation; providing that employees who participate in the defined contribution retirement system must have ten years of full-time City employment to be eligible for retiree health benefits; providing for specified City contributions toward the cost of retiree health coverage for employees hired on or after the effective date of this ordinance; implementing certain provisions of the terms of collective bargaining agreements between the city and the AFSCME, GSA and CWA; providing certain exceptions; repealing all ordinances in conflict therewith; providing for severability; providing for codification; and providing for an effective date.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Office of Labor Relations

Sign-Offs:

Department Director	Assistant City Manager	City Manager
	<i>R. S. [Signature]</i>	<i>[Signature]</i>

T:\AGENDA\2006\mar0806\Regular\Retiree Health Benefits Summary - second reading 3-8-06.doc



MIAMIBEACH

AGENDA ITEM RSB
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

**SECOND READING
PUBLIC HEARING**

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 78, ARTICLE II THEREOF, ENTITLED "EMPLOYEE BENEFIT PLANS"; AMENDING SECTION 78-81, ENTITLED "GROUP HEALTH INSURANCE", AND SECTION 78-82, ENTITLED "HEALTH MAINTENANCE ORGANIZATION", TO REQUIRE THAT EMPLOYEES MAKE A ONE-TIME IRREVOCABLE ELECTION TO CONTINUE PARTICIPATING IN THE CITY GROUP HEALTH INSURANCE OR HEALTH MAINTENANCE ORGANIZATION PROGRAM PRIOR TO TERMINATION OF EMPLOYMENT TO BE ELIGIBLE FOR SUCH CONTINUED PARTICIPATION; PROVIDING THAT EMPLOYEES WHO PARTICIPATE IN THE DEFINED CONTRIBUTION RETIREMENT SYSTEM MUST HAVE TEN YEARS OF FULL-TIME CITY EMPLOYMENT TO BE ELIGIBLE FOR RETIREE HEALTH BENEFITS; PROVIDING FOR SPECIFIED CITY CONTRIBUTIONS TOWARD THE COST OF RETIREE HEALTH COVERAGE FOR EMPLOYEES HIRED ON OR AFTER THE EFFECTIVE DATE OF THIS ORDINANCE; IMPLEMENTING CERTAIN PROVISIONS OF THE TERMS OF COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE CITY AND THE AFSCME, GSA AND CWA; PROVIDING CERTAIN EXCEPTIONS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

DISCUSSION DURING THE FIRST READING ON FEBRUARY 8, 2006

During the first reading of this ordinance, the City Commission made and passed a motion to change the minimum service requirement for retiree health insurance benefits for elected and appointed officials who participate in the defined contribution plan. The minimum service time for such officials was changed from ten (10) years to five (5) years. This change has been reflected in the final ordinance.

BACKGROUND

At the December 7, 2005 City Commission meeting, the City Commission adopted a Resolution accepting the recommendation of the Administration to resolve the remaining impasse between the Administration and the Communications Workers of America (CWA). Among the issues resolved was the issue of health benefits for retired employees. The City

currently allows employees and retirees to participate in the City's group health insurance program. The City makes a contribution toward the cost of retiree health insurance coverage that is determined by the City Commission each year as part of the City budget, based on available funds.

As part of the City Commission's resolution of the impasse between the Administration and the CWA, several changes in retiree health insurance benefits were made, including the following:

- I. Any employee (except those hired into positions covered by the GSA collective bargaining agreement) who intends to participate in the City's group health insurance program upon retirement must make a one-time irrevocable election to participate in the City plan prior to termination of City employment. Any employee who elects to continue under the City's group health insurance program upon retirement, but thereafter discontinues or is discontinued from such coverage, may resume coverage only at the employee's expense, with no City contribution or payment toward the cost of such coverage.
- II. Any employee (except those hired into positions covered by the AFSCME and the GSA collective bargaining agreements) hired on or after February 1, 2006, the date the CWA agreement was ratified, who elect to participate in the City's group health insurance program upon retirement will receive, in lieu of the current City contribution toward the cost of health coverage, a monthly payment toward the cost of continued participation in the initial amount of \$10.00 per year of creditable service, up to a maximum of \$250.00 per month until age 65 and \$5.00 per year of creditable service up to a maximum of \$125.00 per month thereafter. This benefit will begin at the time a retired employee begins to receive normal retirement benefits, and continue for the lifetime of the retiree.
- III. Any employee who elected or elects to participate in the City's Defined Contribution Retirement System (401A) will be required to have at least ten years of regular, full-time City employment before becoming eligible for retiree health benefits.

The above changes will apply immediately to all employees in positions covered by the CWA collective bargaining agreement and to all other employees who are not in any bargaining unit. The changes in Section I and III will immediately apply to employees in positions covered by the American Federation of County State and Municipal Employees (AFSCME) collective bargaining agreement. The changes in Section II will be the subject of collective bargaining negotiations between the Administration and AFSCME. The changes in Section III will immediately apply to employees in positions covered by the Government Supervisors Association (GSA) collective bargaining agreement. The changes in Sections I and II will be the subject of collective bargaining negotiations between the Administration and GSA.

FISCAL IMPACT

It is hard to determine the actual fiscal impact of this change although it is expected to yield a savings over time. In 2004, the Governmental Accounting Standards Board (GASB) issued requirements for public agencies to report costs and obligations pertaining to health and other benefits of current and future retired employees in a manner similar to how they now report pension plan obligations. Under this requirement, costs must be recognized as a current cost during the working years of the employee rather than current practice of paying an amount each year equal to the benefits distributed or claimed in each fiscal year with no provision for future funding, for example, "a pay-as-you-go" approach.

An actuarial estimate is based on several factors including how many employees the City is expected to have that will receive the benefit, how long employees are expected to live after retiring (and hence how many years they will receive the benefit), anticipated return on investments, and how much health care costs are expected to increase. Under current City ordinances, retirees are entitled to 50% of the cost of health, life, and dental insurance to be paid by the City. As health insurance costs continue to increase dramatically each year, the unfunded liability will grow. The proposed change would establish a cap of \$250 per month, or \$3,000 per year as the maximum liability for future employees hired by the City, therefore, over time, limiting the unfunded liability of the City.

The requirement is to be phased in over several years, with the earliest requirement for reporting in Fiscal Year 2007-08. No actuarial valuation has yet been made for the impact on this requirement for the City of Miami Beach; however, other cities have cited impacts in the hundred of millions of dollars. The resulting impact will be that the City of Miami Beach will have to record a large unfunded liability, and the financial community will be looking to see how the City plans to address the shortfall over time.

CONCLUSION

The proposed Ordinance implements some of the terms of the Collective Bargaining Agreements between the City and the CWA, the AFSCME and the GSA as they pertain to retiree health benefits. The Administration recommends adopting the ordinance on the second and final reading by the Mayor and City Commission of the City of Miami Beach, Florida, amending Miami Beach City Code Chapter 78, Article II thereof, entitled "Employee Benefit Plans"; amending section 78-81, entitled "Group Health Insurance", and section 78-82, entitled "Health Maintenance Organization", to require that employees make a one-time irrevocable election to continue participating in the City group health insurance or health maintenance organization program prior to termination of employment to be eligible for such continued participation; providing that employees who participate in the defined contribution retirement system must have ten years of full-time City employment to be eligible for retiree health benefits; providing for specified City contributions toward the cost of retiree health coverage for employees hired on or after the effective date of this ordinance; implementing certain provisions of the terms of collective bargaining agreements between the City and the AFSCME, GSA and CWA; providing certain exceptions; repealing all ordinances in conflict therewith; providing for severability; providing for codification; and providing for an effective date.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 78, ARTICLE II THEREOF, ENTITLED "EMPLOYEE BENEFIT PLANS"; AMENDING SECTION 78-81, ENTITLED "GROUP HEALTH INSURANCE", AND SECTION 78-82, ENTITLED "HEALTH MAINTENANCE ORGANIZATION", TO REQUIRE THAT EMPLOYEES MAKE A ONE-TIME IRREVOCABLE ELECTION TO CONTINUE PARTICIPATING IN THE CITY GROUP HEALTH INSURANCE OR HEALTH MAINTENANCE ORGANIZATION PROGRAM PRIOR TO TERMINATION OF EMPLOYMENT TO BE ELIGIBLE FOR SUCH CONTINUED PARTICIPATION; PROVIDING THAT EMPLOYEES WHO PARTICIPATE IN THE DEFINED CONTRIBUTION RETIREMENT SYSTEM MUST HAVE TEN YEARS OF FULL-TIME CITY EMPLOYMENT TO BE ELIGIBLE FOR RETIREE HEALTH BENEFITS; PROVIDING FOR SPECIFIED CITY CONTRIBUTIONS TOWARD THE COST OF RETIREE HEALTH COVERAGE FOR EMPLOYEES HIRED ON OR AFTER THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING CERTAIN EXCEPTIONS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach currently allows retired City employees to participate in the City's group health insurance program; and

WHEREAS, the City currently makes a contribution toward the cost of retiree health insurance coverage that is determined by the City Commission each year as part of the City budget, based on available funds; and

WHEREAS, the City of Miami Beach and the Communications Workers of America (CWA) have entered into a collective bargaining agreement for October 1, 2003 through September 30, 2006, certain provisions of which relate to the eligibility of employees to participate in the City group health insurance program upon retirement, and the City's contributions toward the cost of such coverage for CWA bargaining unit employees hired on or after the date the Agreement is ratified; and

WHEREAS, the City of Miami Beach has also entered into collective bargaining agreements with the American Federation of State, County and Municipal Employees (AFSCME) and the General Services Association (GSA), certain provisions of which relate to the eligibility of employees to participate in the City group health insurance program upon retirement; and

WHEREAS, the City has determined that it is advisable to make similar changes to its group health insurance program with respect to employees who are not included in the CWA, AFSCME, or GSA bargaining units or other bargaining units; and

WHEREAS, to implement the provisions of the CWA, AFSCME and GSA collective bargaining agreements concerning retiree health benefits, and the changes pertaining to other

City employees, amendments to Article II of the Miami Beach City Code, "Employees' Benefit Plan," are necessary;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. That Miami Beach City Code Chapter 78, Article II, Section 78-81 entitled "Group health insurance" is hereby amended by adding new subsections (f), (g) and (h) to read as follows:

Sec. 78-81. Group health insurance.

* * *

(f) Election to continue participation in group health insurance following retirement. Effective on and after the date this ordinance is adopted, any employee who intends to participate in the City's group health insurance or HMO plan upon retirement must make a one-time, irrevocable written election, prior to termination of City employment, to continue to participate in the City's group health insurance or HMO plan upon retirement, in order to be eligible for such continued participation upon retirement. Any employee who elects to continue under the City's health insurance or HMO plan upon retirement in accordance with this subsection (f), but thereafter discontinues or is discontinued from such coverage, may resume coverage only at the employee's expense, with no City contribution toward the cost of such coverage. Notwithstanding the foregoing, employees in classifications within the GSA and any other bargaining unit excluding the CWA and AFSCME bargaining units, shall not be required to make the above election unless and until a collective bargaining agreement is ratified that provides for such election.

(g) Ten year service requirement. Effective on the date this ordinance is adopted, any employee who previously elected or thereafter elects to participate in the Defined Contribution Retirement System shall be required to have at least ten (10) years of regular, full-time City employment before becoming eligible for retiree health benefits. Notwithstanding the preceding sentence, employees in classifications within a bargaining unit other than the CWA, AFSCME or GSA bargaining units shall not be required to meet the minimum employment requirement in this subsection (g), unless and until a collective bargaining agreement is ratified that provides for such requirement. Notwithstanding the first sentence of this subsection (g), any Mayor, member of the City Commission, City Manager or City Attorney who previously elected or thereafter elects to participate in the Defined Contribution Retirement System shall be required to have at least five (5) years of City employment before becoming eligible for retiree health benefits.

(h) City contribution toward retiree health coverage for employees hired on or after the effective date of this ordinance. Notwithstanding any other provision of this Article II, any employee hired on or after the effective date of this ordinance, except as otherwise provided below, shall be eligible for a City contribution toward the cost of continued health insurance coverage in accordance with this subsection (h). Any such employee shall be eligible for the benefit provided in this subsection (h) if the employee has made an election to continue to participate in the City's group health insurance or HMO plan prior to termination

of City employment pursuant to subsection (f), above, and has not thereafter discontinued or been discontinued from such coverage; and if such employee participates in the Defined Contribution Retirement System the employee must also satisfy the employment requirement in subsection (g), above. Any such eligible employee shall, upon receipt of normal retirement benefits from a City retirement plan, also receive a monthly payment toward the cost of continued participation in the City group health insurance or HMO plan in the initial amount of \$10.00 per year of creditable service, up to a maximum of \$250.00 per month until age 65; and \$5.00 per year of creditable service up to a maximum of \$125.00 per month thereafter. This benefit shall be paid during the lifetime of the retired employee, and shall cease upon the retired employee's death. Notwithstanding the foregoing, employees in classifications within the AFSCME, GSA and any other bargaining unit excluding the CWA bargaining unit, shall not be eligible for the benefit described in this subsection (h) unless and until a collective bargaining agreement is ratified that provides for such benefit.

SECTION 2. That Miami Beach City Code Chapter 78, Article II, Section 78-82 entitled "Health maintenance organization (HMO)" is hereby amended by adding new subsections (f), (g) and (h) to read as follows:

Sec. 78-82. Health maintenance organization (HMO).

* * *

(f) *Election to continue participation in group health insurance following retirement.* Effective on and after the date this ordinance is adopted, any employee who intends to participate in the City's group health insurance or HMO plan upon retirement must make a one-time, irrevocable written election, prior to termination of City employment, to continue to participate in the City's group health insurance or HMO plan upon retirement, in order to be eligible for such continued participation upon retirement. Any employee who elects to continue under the City's health insurance or HMO plan upon retirement in accordance with this subsection (f), but thereafter discontinues or is discontinued from such coverage, may resume coverage only at the employee's expense, with no City contribution toward the cost of such coverage. Notwithstanding the foregoing, employees in classifications within the GSA and any other bargaining unit excluding the CWA and AFSCME bargaining units, shall not be required to make the above election unless and until a collective bargaining agreement is ratified that provides for such election.

(g) *Ten year service requirement.* Effective on the date this ordinance is adopted, any employee who previously elected or thereafter elects to participate in the Defined Contribution Retirement System shall be required to have at least ten (10) years of regular, full-time City employment before becoming eligible for retiree health benefits. Notwithstanding the preceding sentence, employees in classifications within a bargaining unit other than the CWA, AFSCME or GSA bargaining units shall not be required to meet the minimum employment requirement in this subsection (g), unless and until a collective bargaining agreement is ratified that provides for such requirement. Notwithstanding the first sentence of this subsection (g), any Mayor, member of the City Commission, City Manager or City Attorney who previously elected or thereafter elects to participate in the Defined Contribution Retirement System shall be required to have at least five (5) years of City employment before becoming eligible for retiree health benefits.

(h) City contribution toward retiree health coverage for employees hired on or after the effective date of this ordinance. Notwithstanding any other provision of this Article II, any employee hired on or after the effective date of this ordinance, except as otherwise provided below, shall be eligible for a City contribution toward the cost of continued health insurance coverage in accordance with this subsection (h). Any such employee shall be eligible for the benefit provided in this subsection (h) if the employee has made an election to continue to participate in the City's group health insurance or HMO plan prior to termination of City employment pursuant to subsection (f), above, and has not thereafter discontinued or been discontinued from such coverage; and if such employee participates in the Defined Contribution Retirement System the employee must also satisfy the employment requirement in subsection (g), above. Any such eligible employee shall, upon receipt of normal retirement benefits from a City retirement plan, also receive a monthly payment toward the cost of continued participation in the City group health insurance or HMO plan in the initial amount of \$10.00 per year of creditable service, up to a maximum of \$250.00 per month until age 65; and \$5.00 per year of creditable service up to a maximum of \$125.00 per month thereafter. This benefit shall be paid during the lifetime of the retired employee, and shall cease upon the retired employee's death. Notwithstanding the foregoing, employees in classifications within the AFSCME, GSA and any other bargaining unit excluding the CWA bargaining unit, shall not be eligible for the benefit described in this subsection (h) unless and until a collective bargaining agreement is ratified that provides for such benefit.

SECTION 3. REPEALER.

That all ordinances or parts of ordinances or parts of the City Code in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

That if any section, subsection, clause, or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.


SECTION 6. EFFECTIVE DATE.

This Ordinance shall be effective _____.

PASSED and ADOPTED this ____ day of _____, 2006.

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

MAYOR

 3-3-06
City Attorney Date

ATTEST:

CITY CLERK

CITY ATTORNEY



NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, March 8, 2006**, to consider the following:

10:15 a.m.

An Ordinance Merging The Retirement System For General Employees Of The City Of Miami Beach With The Retirement System For Unclassified Employees Of The City Of Miami Beach, Thereby Creating The Miami Beach Employees' Retirement Plan; Implementing Provisions Of The 2003-2006 Collective Bargaining Agreement Between The City And The Communications Workers Of America; Amending Provisions Of The Retirement Plan Applicable To Non-Bargaining Unit And Unclassified Employees; The Changes Will Later Apply To Members Of The American Federation Of County State And Municipal Employees (AFSCME) And Government Supervisors Association (GSA) Bargaining Units Subject To The Collective Bargaining Process And Upon Ratification Of An Agreement By Those Units; Providing For Severability; Repealing All Ordinances In Conflict Therewith

Inquiries may be directed to the Labor Relations Department at (305) 673-7009.

10:20 a.m.

An Ordinance Amending Miami Beach City Code Chapter 78, Article II Thereof, Entitled "Employee Benefit Plans"; Amending Section 78-81, Entitled "Group Health Insurance," And Section 78-82, Entitled "Health Maintenance Organization," To Require That Employees Make A One-Time Irrevocable Election To Continue Participating In The City Group Health Insurance Or Health Maintenance Organization Program Prior To Termination Of Employment To Be Eligible For Such Continued Participation; Providing That Employees Who Participate In The Defined Contribution Retirement System Must Have Ten Years Of Full-Time City Employment To Be Eligible For Retiree Health Benefits; Providing For Specified City Contributions Toward The Cost Of Retiree Health Coverage For Employees Hired On Or After The Effective Date Of This Ordinance; Providing Certain Exceptions; Repealing All Ordinances In Conflict Therewith.

Inquiries may be directed to the Labor Relations Department at (305) 673-7009.

10:25 a.m.

An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Group IV Classifications, Those Being The Classifications Covered By The Communications Workers Of America (CWA), Local 3178, In Accordance With The Negotiated Agreement; There Shall Be No Wage Increase For Fiscal Year 2003/2004; All CWA Bargaining Unit Employees Shall Be Paid, Prior To Any Other Wage Increase, A One-Time Lump Sum Payment Valued At Three Percent (3%) Of The Employee's Base Pay And His/Her Regular Pay Enhancements And The Overtime That The Employee Earned During Fiscal Year 2003/2004 (I.E. Based On The Employee's Extended Pay Plus Overtime, But Not To Include Any Sick Time Bonus Or Any Differentials Or Allowances); The Above Payment Shall Not Be Pensionable And Shall Not Increase The Employee's Base Pay, Nor Result In Any Adjustment To The Pay Ranges Contained In The Pay For Performance Plan; Effective In The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); The Three Percent (3%) One-Time Lump Sum Payment Referred To Earlier In This Paragraph Shall Not Be Included In The Calculation Of The Six Percent (6%) Cost Of Living Adjustment (COLA); Effective With The First Pay Period Ending In October Of 2005, There Shall Be An Across The Board Wage Increase Of Three And One Half Percent (3.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Three And One Half Percent (3.5%); Amending The Salary Ranges Of The Classifications Specified In The Negotiated Agreement; Creating The Classifications Of Field Inspector I, Field Inspector II, Meter Analyst, Parking Dispatcher, Revenue Processor I And Revenue Processor II; Deleting The Titles Of Coin Room Money Handler, I.D. Technician I And I.D. Technician II; Deleting The Previous Format Of The CWA Section Of The Ordinance And Replacing It With The Current Format Of The Other Sections; Repealing All Ordinances In Conflict.

Inquiries may be directed to the Human Resources Department at (305) 673-7520.

10:30 a.m.

An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article VI Entitled "Naming Of Public Facilities And Establishments Of Monuments And Memorials," By Amending Section 82-501, Entitled "Generally", To Provide That The City Owned Building, Located At 2200 Liberty Avenue, Miami Beach, Florida, And Housing The Administrative Offices And Studio And Teaching Facilities Of The Miami City Ballet, Pursuant To The Lease Agreement Between The City, As Landlord, And Miami City Ballet, Inc. As Tenant, Shall Be Exempt From The Provisions Of Said Article VI, For So Long As Said City- Owned Building Is Leased To Miami City Ballet, Inc., A Not For Profit Corporation, And Used By The Ballet For The Aforestated Purposes And In Accordance With The Terms And Conditions Of The Lease Agreement.

Inquiries may be directed to the Finance Department at (305) 673-7466.

10:35 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article IV, "Supplementary District Regulations", Division 3, "Supplementary Use Regulations," By Adding Section 142-1110, Entitled "Mobile Storage Containers", To Regulate Storage Containers.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:40 a.m.

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Amending Chapter 82, "Public Property," Article II, "Sale Or Lease Of Public Property," Sections 82-36 Through 89-40, To Expand The Applicability Of The Ordinance To Include Vacations Of Easements, Alleys, Rights-Of-Way, Or Any Other Conveyance Or Reduction Of The City's Interest In Real Property; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:50 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off Street Parking", Article III, "Design Standards", To Modify The Requirements For Commercial And Residential Uses In Front Of Certain Portions Of A Parking Garage; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", By Amending Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", Section 142-156 To Modify The Requirements For New Construction To Require Residential Uses In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", Subdivision V, "RM-3 Residential Multifamily High Intensity", Division 4, "CD-1 Commercial, Low Intensity District", Division 5, "CD-2 Commercial, Medium Intensity District", Division 6, "CD-3 Commercial, High Intensity District", And Division 13, "MXE Mixed Use Entertainment District", To Add New Sections Specifying Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Division 18, "Performance Standard District", Section 142-695, To Add New Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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Condensed Title:

Ordinance amending Ordinance No. 789, the Classified Employees Salary Ordinance providing for the Group IV Classifications, those being the Classifications covered by the Communications Workers of America.

Key Intended Outcome Supported:

Attract and maintain a quality workforce

Issue:

Shall the City pay all CWA bargaining unit employees, prior to any other wage increase, a one-time lump-sum payment valued at 3% of the employee's base pay, pay enhancements, and overtime earned during fiscal year 2003/2004 and effective in the first pay period ending in October of 2004 and October 2005 a COLA increase of six percent (6%) and three and one-half percent (3.5%), respectively pursuant to the Collective Bargaining Agreement negotiations?

Item Summary/Recommendation:

This Ordinance will provide no wage increase for fiscal year 2003/2004; however, all CWA bargaining unit employees shall be paid, prior to any other wage increase, a one-time lump sum payment valued at three percent (3%) of the employees base pay and his/her regular pay enhancements and the overtime that the employee earned during fiscal year 2003/2004 (i.e. based on the employee's extended pay plus overtime, but not to include any sick time bonus or any differentials or allowances). The above payment shall not be pensionable and shall not increase the employee's base pay, nor result in any adjustment to the pay ranges contained in the pay for performance plan. Effective in the first pay period ending in October of 2004, there shall be an across the board wage increase of six percent (6%), and the minimum and maximum of each pay range will also be increased by six percent (6%). The three percent (3%) one-time lump sum payment referred to earlier in this paragraph shall not be included in the calculation of the six percent (6%) COLA. Effective with the first pay period ending in October of 2005, there shall be an across the board wage increase of three and one-half percent (3.5%), and the minimum and maximum of each pay range will also be increased by three and one-half percent (3.5%); create the classifications of Field Inspector I, Field Inspector II, Meter Analyst, Parking Dispatcher, Revenue Processor I and Revenue Processor II; delete the titles of Coin Room Money Handler, I.D. Technician I and I.D. Technician II. The Administration recommends that the Ordinance be approved on second and final reading on March 8, 2006, pursuant to Collective Bargaining Agreement negotiations.

Advisory Board Recommendation:

N/A

Financial Information:


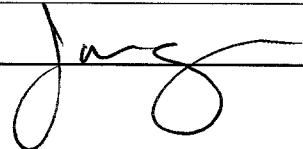
Source of Funds:		Amount	Account	Approved
	1	\$2,757,723		
	2			
OBPI	Total			

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Neville Johnson, Human Resources Specialist

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

AGENDA ITEM

RSC

DATE

3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: March 8, 2006

**SECOND READING
PUBLIC HEARING**

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO.789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, PROVIDING FOR THE GROUP IV CLASSIFICATIONS, THOSE BEING THE CLASSIFICATIONS COVERED BY THE COMMUNICATIONS WORKERS OF AMERICA (CWA), LOCAL 3178, IN ACCORDANCE WITH THE NEGOTIATED AGREEMENT; THERE SHALL BE NO WAGE INCREASE FOR FISCAL YEAR 2003/2004; ALL CWA BARGAINING UNIT EMPLOYEES SHALL BE PAID, PRIOR TO ANY OTHER WAGE INCREASE, A ONE-TIME LUMP SUM PAYMENT VALUED AT THREE PERCENT (3%) OF THE EMPLOYEE'S BASE PAY AND HIS/HER REGULAR PAY ENHANCEMENTS AND THE OVERTIME THAT THE EMPLOYEE EARNED DURING FISCAL YEAR 2003/2004 (I.E. BASED ON THE EMPLOYEE'S EXTENDED PAY PLUS OVERTIME, BUT NOT TO INCLUDE ANY SICK TIME BONUS OR ANY DIFFERENTIALS OR ALLOWANCES); THE ABOVE PAYMENT SHALL NOT BE PENSIONABLE AND SHALL NOT INCREASE THE EMPLOYEE'S BASE PAY, NOR RESULT IN ANY ADJUSTMENT TO THE PAY RANGES CONTAINED IN THE PAY FOR PERFORMANCE PLAN; EFFECTIVE IN THE FIRST PAY PERIOD ENDING IN OCTOBER OF 2004, THERE SHALL BE AN ACROSS THE BOARD WAGE INCREASE OF SIX PERCENT (6%), AND THE MINIMUM AND MAXIMUM OF EACH PAY RANGE WILL ALSO BE INCREASED BY SIX PERCENT (6%); THE THREE PERCENT (3%) ONE-TIME LUMP SUM PAYMENT REFERRED TO EARLIER IN THIS PARAGRAPH SHALL NOT BE INCLUDED IN THE CALCULATION OF THE SIX PERCENT (6%) COST OF LIVING ADJUSTMENT (COLA); EFFECTIVE WITH THE FIRST PAY PERIOD ENDING IN OCTOBER OF 2005, THERE SHALL BE AN ACROSS THE BOARD WAGE INCREASE OF THREE AND ONE HALF PERCENT (3.5%), AND THE MINIMUM AND THE MAXIMUM OF EACH PAY RANGE WILL ALSO BE INCREASED BY THREE AND ONE HALF PERCENT (3.5%); AMENDING THE SALARY RANGES OF THE CLASSIFICATIONS SPECIFIED IN THE NEGOTIATED AGREEMENT; CREATING THE CLASSIFICATIONS OF FIELD INSPECTOR I, FIELD INSPECTOR II, METER ANALYST, PARKING DISPATCHER, REVENUE PROCESSOR I AND REVENUE PROCESSOR II; DELETING THE TITLES OF COIN ROOM MONEY HANDLER, I.D. TECHNICIAN I AND I.D. TECHNICIAN II; DELETING THE PREVIOUS FORMAT OF THE CWA SECTION OF THE ORDINANCE AND REPLACING IT WITH THE CURRENT FORMAT OF THE OTHER SECTIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE AND CODIFICATION.

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission adopt the Ordinance on second and final reading on March 8, 2006.

BACKGROUND

On January 15, 2006, the City and the CWA successfully concluded negotiations for a Collective Bargaining Agreement for the period from October 1, 2003 through September 30, 2006. On February 1, 2006, the CWA conducted a ratification vote, which approved the three (3) year Collective Bargaining Agreement and therefore, accepted, among other benefits, the Administration's pension proposals. The ratification vote was approved by 89% of the employees who voted and are represented in classifications covered by the collective bargaining agreement.

The financial impact of the City's proposal package represents a total cost for the three year contract of \$2,757,723. This represents an increase of approximately \$3,700 per CWA employee, which is comparable to the AFSCME (the second largest civilian bargaining unit).

The following is a summary of the most significant issues regarding changes to classifications and wages in the Agreement.

The following classifications are being established:

Field Inspector I
Field Inspector II
Meter Analyst
Parking Dispatcher
Revenue Processor I
Revenue Processor II

The following classifications are being deleted:

Coin Room Money Handler
I.D. Technician I
I.D. Technician II

WAGES

There will be no wage increase for the FY 03/04. No member of the Bargaining Unit who left the City prior to the date of ratification of the Agreement by the City and the CWA will be eligible for wages or benefits under the Agreement.

All bargaining unit employees will be paid, prior to any other wage increase, a one-time lump sum payment of 3% of the employee's base pay and his/her regular pay enhancements as well as the overtime pay that the employee earned during the FY 03/04. (While payment will be based on the employee's extended pay plus overtime, it will not include any sick time bonus or any differentials or allowances). Such payments will not be pensionable and will not increase the employee's base pay, nor result in any adjustment to the pay ranges contained in the pay for performance plan.

Effective the first pay period ending in October 2004, there will be an across the board wage increase of six percent (6%), and the minimum and maximum of each pay range will be increased by six percent (6%). The three percent (3%) one-time lump sum payment mentioned earlier will not be included in the calculation of the six percent (6%) Cost of Living Adjustment (COLA).

Effective the first pay period ending in October 2005, there will be an across the board wage increase of three and one-half percent (3.5%), and the minimum and maximum of each pay range will also be increased by three and one-half percent (3.5%).

The City's classification and pay system will be implemented as part of the contract for all bargaining unit employees with the exception of Lifeguard I, Lifeguard II and Lifeguard Lieutenants who will remain under the current step plan, due to the unique nature of their work.

As part of the conversion process from a step plan to the classification and pay system, the maximum step of each of the CWA pay steps will be increased by eleven percent (11%) to accommodate the elimination of the longevity pay benefit. The longevity benefit will cease on the date the classification and pay system becomes effective.

FISCAL IMPACT

The fiscal impact of this Ordinance represents a total cost for the three year contract of \$2,757,723. This amount is comprised of \$1,579,723 for COLA/wages and \$1,178,000 for pension enhancements. This is not a one time cost, but one that is an ongoing cost that the City is responsible for and one which will continue to accrue with future increases.

CONCLUSION

The Administration recommends approving the 3% lump sum payment and the COLA of 6% and 3.5% respectively.

This Ordinance was approved by the City Commission on First Reading on February 8, 2006 and a Second Reading and Public Hearing was set for March 8, 2006. Based on the foregoing, the Administration recommends that the City Commission approve the Ordinance on second and final reading on March 8, 2006.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ORDINANCE NO. 789, THE CLASSIFIED EMPLOYEES SALARY ORDINANCE OF THE CITY OF MIAMI BEACH, FLORIDA, PROVIDING FOR THE GROUP IV CLASSIFICATIONS, THOSE BEING THE CLASSIFICATIONS COVERED BY THE COMMUNICATION WORKERS OF AMERICA (CWA), LOCAL 3178, IN ACCORDANCE WITH THE NEGOTIATED AGREEMENT; THERE SHALL BE NO WAGE INCREASE FOR FISCAL YEAR 2003/2004; ALL BARGAINING UNIT EMPLOYEES SHALL BE PAID, PRIOR TO ANY OTHER WAGE INCREASE, A ONE-TIME LUMP SUM PAYMENT VALUED AT 3% OF THE EMPLOYEE'S BASE PAY AND HIS/HER REGULAR PAY ENHANCEMENTS AND THE OVERTIME THAT THE EMPLOYEE EARNED DURING FISCAL YEAR 2003/2004 (I.E. BASED ON THE EMPLOYEE'S EXTENDED PAY PLUS OVERTIME, BUT NOT TO INCLUDE ANY SICK TIME BONUS OR ANY DIFFERENTIALS OR ALLOWANCES); THE ABOVE PAYMENT SHALL NOT BE PENSIONABLE AND SHALL NOT INCREASE THE EMPLOYEE'S BASE PAY, NOR RESULT IN ANY ADJUSTMENT TO THE PAY RANGES CONTAINED IN THE PAY FOR PERFORMANCE PLAN; EFFECTIVE IN THE FIRST PAY PERIOD ENDING IN OCTOBER OF 2004, THERE SHALL BE AN ACROSS THE BOARD WAGE INCREASE OF SIX PERCENT (6%), AND THE MINIMUM AND MAXIMUM OF EACH PAY RANGE WILL ALSO BE INCREASED BY SIX PERCENT (6%); THE THREE PERCENT (3%) ONE-TIME LUMP SUM PAYMENT REFERRED TO IN THIS PARAGRAPH SHALL NOT BE INCLUDED IN THE CALCULATION OF THE SIX PERCENT (6%) COST OF LIVING ADJUSTMENT (COLA); EFFECTIVE WITH THE FIRST PAY PERIOD ENDING IN OCTOBER OF 2005, THERE SHALL BE AN ACROSS THE BOARD WAGE INCREASE OF THREE AND ONE HALF PERCENT (3.5%), AND THE MINIMUM AND THE MAXIMUM OF EACH PAY RANGE WILL ALSO BE INCREASED BY THREE AND ONE HALF PERCENT (3.5%); AMENDING THE SALARY RANGES OF THE CLASSIFICATIONS SPECIFIED IN THE NEGOTIATED AGREEMENT; CREATING THE CLASSIFICATIONS OF FIELD INSPECTOR I, FIELD INSPECTOR II, METER

ANALYST, PARKING DISPATCHER, REVENUE PROCESSOR I AND REVENUE PROCESSOR II; DELETING THE TITLES OF COIN ROOM MONEY HANDLER, I.D. TECHNICIAN I AND I.D. TECHNICIAN II; DELETING THE PREVIOUS FORMAT OF THE CWA SECTION OF THE ORDINANCE AND REPLACING IT WITH THE CURRENT FORMAT OF THE OTHER SECTIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1: That the following lines in Section 1 of the Classified Employees' Salary Ordinance No. 789 shall be deleted in their entirety as follows:

GROUP IV COMMUNICATIONS WORKERS OF AMERICA

BI WEEKLY COMPENSATION

JOB CLASSIFICATION	JOB CLASS NO.	MINIMUM	MAXIMUM
Account Clerk	1109	\$1,059.70	\$1,382.67
Account Clerk II	1108	\$1,157.96	\$1,510.88
Account Clerk III	1107	\$1,228.48	\$1,634.17
Administrative Aide I	2112	\$1,059.70	\$1,382.67
Administrative Aide II	2111	\$1,192.70	\$1,571.32
Administrative Assistant I	1014	\$1,228.48	\$1,634.17
Administrative Secretary	2105	\$1,192.70	\$1,571.32
Air Conditioning Mechanic	4212	\$1,424.15	\$1,988.22
Building Inspector	3143	\$1,634.17	\$2,325.93
Buyer	1606	\$1,192.70	\$1,571.32
Carpenter I	4263	\$1,228.48	\$1,634.17
Clerk	2135	\$914.11	\$1,192.70
Clerk-Typist	2109	\$969.78	\$1,265.34
Code Compliance Administrator	3156	\$1,634.17	\$2,325.93
Code Compliance Officer I	3158	\$1,157.96	\$1,510.88
Code Compliance Officer II	3157	\$1,303.30	\$1,767.52
Coin Room Money Handler	1808	\$941.53	\$1,228.48
Communications Operator	5214	\$1,228.48	\$1,634.17
Complaint Operator II	5213	\$1,265.34	\$1,699.54
Crime Analyst Specialist	5217	\$1,265.34	\$1,699.54
Crime Scene Technician I	5015	\$1,466.87	\$2,067.74
Crime Scene Technician II	5014	\$1,634.17	\$2,325.93
Data Entry Clerk	152.8	\$1,059.70	\$1,382.67
Dispatcher	5212	\$1,303.30	\$1,767.52
Dispatcher Trainee	8014	\$1,228.48	\$1,634.17
Duplicating Equipment Operator	2303	\$1,059.70	\$1,382.67
Electrical Inspector	3113	\$1,634.17	\$2,325.93
Electrician	4232	\$1,424.15	\$1,988.22
Engineering Assistant I	3013	\$1,192.70	\$1,571.32

Engineering Assistant II	3012	\$1,303.30	\$1,767.52
Engineering Assistant III	3011	\$1,424.15	\$1,988.22
Engineering Inspector	3107	\$1,634.17	\$2,325.93
Finance Specialist I	1152	\$1,192.70	\$1,571.32
Finance Specialist II	1151	\$1,265.34	\$1,699.54
Finance Specialist III	1150	\$1,342.40	\$1,838.22
Lifeguard I	5406	\$1,235.15	\$1,658.98
Lifeguard II	5405	\$1,390.17	\$1,940.77
Lifeguard Lieutenant	5404	\$1,533.82	\$2,099.14
Mason	4242	\$1,228.48	\$1,634.17
Masonry Helper	4243	\$998.87	\$1,303.30
Mechanical Inspector	3123	\$1,634.17	\$2,325.93
Painter	4223	\$1,192.70	\$1,571.32
Parking Enforcement Specialist I	1805	\$1,124.24	\$1,466.87
Parking Enforcement Specialist II	1804	\$1,228.48	\$1,634.17
Parking Meter Technician I	1807	\$1,157.96	\$1,510.88
Parking Meter Technician II	1806	\$1,228.48	\$1,634.17
Permit Clerk I	2125	\$1,059.70	\$1,382.67
Permit Clerk II	2126	\$1,157.96	\$1,510.88
Planning Technician	3216	\$1,382.67	\$1,911.75
Plumber	4272	\$1,342.40	\$1,838.22
Plumbing Inspector	3133	\$1,634.17	\$2,325.93
Pool Guard I	5415	\$1,164.24	\$1,533.82
Pool Guard II	5414	\$1,235.15	\$1,658.98
Police Fleet Specialist	5311	\$1,342.40	\$1,838.22
Police Photographer	5016	\$1,466.87	\$2,067.74
Police Records Technician	1529	\$1,059.70	\$1,382.67
Property Evidence Technician I	5309	\$1,157.96	\$1,510.88
Property Evidence Technician II	5308	\$1,303.30	\$1,767.52
Public Safety Specialist	5306	\$1,157.96	\$1,510.88

SECTION 2: That the Classified Employees' Salary Ordinance No. 789 is hereby amended to read as follows:

GROUP IV COMMUNICATION WORKERS OF AMERICA (CWA) – SALARY RANGES AND CLASSIFICATIONS

A. Salary Ranges - Effective in the 1st pay period ending in October 2003 (Excludes Ocean Rescue)

Range		Min	Max	Range		Min	Max
H15	Annual	\$23,766.80	\$34,421.42	H31	Annual	\$38,138.74	\$59,675.12
H16	Annual	\$24,479.81	\$35,454.06	H32	Annual	\$39,282.90	\$62,062.12
H17	Annual	\$25,214.20	\$36,517.68	H33	Annual	\$40,854.22	\$64,544.61
H18	Annual	\$25,970.63	\$37,613.21	H34	Annual	\$42,488.39	\$67,126.39
H19	Annual	\$26,749.75	\$38,741.61	H35	Annual	\$44,187.92	\$69,811.45
H20	Annual	\$27,552.24	\$39,903.86	H36	Annual	\$45,955.44	\$72,603.90
H21	Annual	\$28,378.81	\$41,100.97	H37	Annual	\$47,793.66	\$75,508.06
H22	Annual	\$29,230.17	\$42,334.00	H50	Annual	\$30,270.33	\$44,266.10
H23	Annual	\$30,107.07	\$43,604.02	H51	Annual	\$31,178.44	\$46,036.74
H24	Annual	\$31,010.29	\$45,348.18	H52	Annual	\$32,113.79	\$47,878.21
H25	Annual	\$31,940.60	\$47,162.11	H53	Annual	\$33,077.20	\$49,793.34
H26	Annual	\$32,898.81	\$49,048.60	H54	Annual	\$34,069.52	\$51,785.07
H27	Annual	\$33,885.78	\$51,010.54	H55	Annual	\$35,091.61	\$53,856.48
H28	Annual	\$34,902.35	\$53,050.96	H57	Annual	\$37,228.68	\$58,251.16
H29	Annual	\$35,949.42	\$55,173.00	H59	Annual	\$41,474.54	\$63,004.46
H30	Annual	\$37,027.90	\$57,379.92	H60	Annual	\$43,133.52	\$65,524.64

B. Salary Ranges - Ocean Rescue - Effective in the 1st pay period ending in October 2003
(for Lifeguard I, Lifeguard II and Lifeguard Lieutenant)

Range	Step D	Step E	Step F	Step G	Step H	Step I	Step J	Step K	Step L	Step M	
	1	2	3	4	5	6	7	8	9	10	
H52	Annual Bi-weekly	32,113.79 1,235.15	33,077.20 1,272.20	34,069.52 1,310.37	35,091.61 1,349.68	36,144.35 1,390.17	37,228.68 1,431.87	38,345.55 1,474.83	39,879.37 1,533.82	41,474.54 1,595.17	43,133.52 1,658.98
H56	Annual Bi-weekly	36,144.35 1,390.17	37,228.68 1,431.87	38,345.55 1,474.83	39,879.37 1,533.82	41,474.54 1,595.17	43,133.52 1,658.98	44,858.86 1,725.34	46,653.22 1,794.35	48,519.35 1,866.13	50,460.12 1,940.77
H58	Annual Bi-weekly	39,879.37 1,533.82	41,474.54 1,595.17	43,133.52 1,658.98	44,858.86 1,725.34	46,653.22 1,794.35	48,519.35 1,866.13	50,460.12 1,940.77	52,478.53 2,018.40	54,577.67 2,099.14	

C. Salary Ranges and Classifications

Classification	Range	Classification	Range
Clerk	H15	Carpenter II	H26
Clerk Typist	H17	Commission Reporter I	H26
Masonry Helper	H18	Complaint Operator II	H26
Account Clerk I	H20	Crime Analysis Specialist	H26
Admin Aide I	H20	Financial Specialist II	H26
Data Entry Clerk	H20	Code Compliance Officer II	H27
Duplicating Equip Operator	H20	Dispatcher	H27
Permit Clerk I	H20	Engineering Assistant II	H27
Police Records Technician	H20	Property Evidence Tech II	H27
Revenue Processor I	H20	Commission Reporter II	H28
Parking Enforcement Spec I	H22	Financial Specialist III	H28
Parking Meter Tech I	H22	Plumber	H28
Account Clerk II	H23	Police Fleet Specialist	H28
Code Compliance Officer I	H23	Planning Technician	H29
Meter Analyst	H23	Air Conditioning Mechanic	H30
Permit Clerk II	H23	Electrician	H30
Property Evidence Tech I	H23	Engineering Assistant III	H30
Public Safety Specialist	H23	Field Inspector II	H30
Revenue Processor II	H23	Crime Scene Technician I	H31
Admin Aide II	H24	Police Photographer	H31
Admin Secretary	H24	Code Compliance Admin.	H34
Buyer	H24	Crime Scene Technician II	H34
Engineering Assistant I	H24	Building Inspector	H34
Field Inspector I	H24	Electrical Inspector	H34
Financial Specialist I	H24	Elevator Inspector	H34
Painter	H24	Engineering Inspector	H34
Parking Dispatcher	H24	Mechanical Inspector	H34
Account Clerk III	H25	Plumbing Inspector	H34
Admin Asst I	H25	Pool Guard I	H50
Carpenter I	H25	Pool Guard II	H52
Communications Operator	H25	Lifeguard I	H52
Dispatcher Trainee	H25	Lifeguard II	H56
Mason	H25	Lifeguard Lt.	H58
Parking Enforcement Spec II	H25		
Parking Meter Tech II	H25		

SECTION 3: That the Classified Employees' Salary Ordinance No. 789 is hereby amended to read as follows:

GROUP IV COMMUNICATION WORKERS OF AMERICA (CWA) – SALARY RANGES AND CLASSIFICATIONS

A. Salary Ranges - Effective in the 1st pay period ending in October 2004 (Excludes Ocean Rescue)

Range		Min	Max	Range		Min	Max
H15	Annual	\$25,192.81	\$36,486.70	H31	Annual	\$40,427.07	\$63,255.62
H16	Annual	\$25,948.60	\$37,581.30	H32	Annual	\$41,639.87	\$65,785.85
H17	Annual	\$26,727.05	\$38,708.74	H33	Annual	\$43,305.47	\$68,417.28
H18	Annual	\$27,528.86	\$39,870.01	H34	Annual	\$45,037.69	\$71,153.97
H19	Annual	\$28,354.74	\$41,066.11	H35	Annual	\$46,839.20	\$74,000.13
H20	Annual	\$29,205.37	\$42,298.09	H36	Annual	\$48,712.77	\$76,960.14
H21	Annual	\$30,081.54	\$43,567.03	H37	Annual	\$50,661.28	\$80,038.54
H22	Annual	\$30,983.98	\$44,874.04	H50	Annual	\$32,086.55	\$46,922.06
H23	Annual	\$31,913.50	\$46,220.26	H51	Annual	\$33,049.15	\$48,798.94
H24	Annual	\$32,870.90	\$48,069.07	H52	Annual	\$34,040.62	\$50,750.90
H25	Annual	\$33,857.03	\$49,991.84	H53	Annual	\$35,061.83	\$52,780.93
H26	Annual	\$34,872.74	\$51,991.51	H54	Annual	\$36,113.69	\$54,892.18
H27	Annual	\$35,918.92	\$54,071.17	H55	Annual	\$37,197.11	\$57,087.87
H28	Annual	\$36,996.49	\$56,234.02	H57	Annual	\$39,462.40	\$61,746.24
H29	Annual	\$38,106.39	\$58,483.38	H59	Annual	\$43,963.01	\$66,784.72
H30	Annual	\$39,249.58	\$60,822.71	H60	Annual	\$45,721.53	\$69,456.11

B. Salary Ranges - Ocean Rescue - Effective in the 1st pay period ending in October 2004
(for Lifeguard I, Lifeguard II and Lifeguard Lieutenant)

Range	Step D	Step E	Step F	Step G	Step H	Step I	Step J	Step K	Step L	Step M
	1	2	3	4	5	6	7	8	9	10
H52										
Annual	34,040.62	35,061.84	36,113.69	37,197.10	38,313.02	39,462.41	40,646.28	42,272.13	43,963.01	45,721.53
Bi-weekly	1,309.25	1,348.53	1,388.99	1,430.66	1,473.58	1,517.78	1,563.32	1,625.85	1,690.89	1,758.52
H56										
Annual	38,313.01	39,462.41	40,646.28	42,272.13	43,963.01	45,721.53	47,550.40	49,452.41	51,430.51	53,487.73
Bi-weekly	1,473.58	1,517.78	1,563.32	1,625.85	1,690.89	1,758.52	1,828.86	1,902.02	1,978.10	2,057.22
H58										
Annual		42,272.13	43,963.01	45,721.53	47,550.40	49,452.41	51,430.51	53,487.73	55,627.24	57,852.33
Bi-weekly		1,625.85	1,690.89	1,758.52	1,828.86	1,902.02	1,978.10	2,057.22	2,139.51	2,225.09

C. Salary Ranges and Classifications

Classification	Range	Classification	Range
Clerk	H15	Carpenter II	H26
Clerk Typist	H17	Commission Reporter I	H26
Masonry Helper	H18	Complaint Operator II	H26
Account Clerk I	H20	Crime Analysis Specialist	H26
Admin Aide I	H20	Financial Specialist II	H26
Data Entry Clerk	H20	Code Compliance Officer II	H27
Duplicating Equip Operator	H20	Dispatcher	H27
Permit Clerk I	H20	Engineering Assistant II	H27
Police Records Technician	H20	Property Evidence Tech II	H27
Revenue Processor I	H20	Commission Reporter II	H28
Parking Enforcement Spec I	H22	Financial Specialist III	H28
Parking Meter Tech I	H22	Plumber	H28
Account Clerk II	H23	Police Fleet Specialist	H28
Code Compliance Officer I	H23	Planning Technician	H29
Meter Analyst	H23	Air Conditioning Mechanic	H30
Permit Clerk II	H23	Electrician	H30
Property Evidence Tech I	H23	Engineering Assistant III	H30
Public Safety Specialist	H23	Field Inspector II	H30
Revenue Processor II	H23	Crime Scene Technician I	H31
Admin Aide II	H24	Police Photographer	H31
Admin Secretary	H24	Code Compliance Admin.	H34
Buyer	H24	Crime Scene Technician II	H34
Engineering Assistant I	H24	Building Inspector	H34
Field Inspector I	H24	Electrical Inspector	H34
Financial Specialist I	H24	Elevator Inspector	H34
Painter	H24	Engineering Inspector	H34
Parking Dispatcher	H24	Mechanical Inspector	H34
Account Clerk III	H25	Plumbing Inspector	H34
Admin Asst I	H25	Pool Guard I	H50
Carpenter I	H25	Pool Guard II	H52
Communications Operator	H25	Lifeguard I	H52
Dispatcher Trainee	H25	Lifeguard II	H56
Mason	H25	Lifeguard Lt.	H58
Parking Enforcement Spec II	H25		
Parking Meter Tech II	H25		

SECTION 4: That the Classified Employees' Salary Ordinance No. 789 is hereby amended to read as follows:

GROUP IV COMMUNICATION WORKERS OF AMERICA (CWA) – SALARY RANGES AND CLASSIFICATIONS

A. Salary Ranges - Effective in the 1st pay period ending in October 2005 (Excludes Ocean Rescue)

Range		Min	Max	Range		Min	Max
H15	Annual	\$26,074.56	\$37,763.74	H31	Annual	\$41,842.01	\$65,469.57
H16	Annual	\$26,856.80	\$38,896.65	H32	Annual	\$43,097.27	\$68,088.35
H17	Annual	\$27,662.50	\$40,063.55	H33	Annual	\$44,821.16	\$70,811.88
H18	Annual	\$28,492.37	\$41,265.46	H34	Annual	\$46,614.01	\$73,644.36
H19	Annual	\$29,347.15	\$42,503.42	H35	Annual	\$48,478.57	\$76,590.13
H20	Annual	\$30,227.56	\$43,778.52	H36	Annual	\$50,417.71	\$79,653.74
H21	Annual	\$31,134.39	\$45,091.87	H37	Annual	\$52,434.42	\$82,839.89
H22	Annual	\$32,068.42	\$46,444.63	H50	Annual	\$33,209.58	\$48,564.34
H23	Annual	\$33,030.47	\$47,837.97	H51	Annual	\$34,205.87	\$50,506.91
H24	Annual	\$34,021.39	\$49,751.49	H52	Annual	\$35,232.04	\$52,527.18
H25	Annual	\$35,042.03	\$51,741.55	H53	Annual	\$36,289.00	\$54,628.27
H26	Annual	\$36,093.29	\$53,811.21	H54	Annual	\$37,377.67	\$56,813.40
H27	Annual	\$37,176.09	\$55,963.66	H55	Annual	\$38,499.01	\$59,085.94
H28	Annual	\$38,291.37	\$58,202.21	H57	Annual	\$40,843.58	\$63,907.36
H29	Annual	\$39,440.11	\$60,530.30	H59	Annual	\$45,501.72	\$69,122.19
H30	Annual	\$40,623.31	\$62,951.51	H60	Annual	\$47,321.78	\$71,887.07

B. Salary Ranges - Ocean Rescue - Effective in the 1st pay period ending in October 2005
(for Lifeguard I, Lifeguard II and Lifeguard Lieutenant)

Range	Step D	Step E	Step F	Step G	Step H	Step I	Step J	Step K	Step L	Step M
	1	2	3	4	5	6	7	8	9	10
H52										
Annual	35,232.05	36,289.00	37,377.67	38,499.00	39,653.97	40,843.59	42,068.90	43,751.65	45,501.72	47,321.78
Bi-weekly	1,355.08	1,395.73	1,437.60	1,480.73	1,525.15	1,570.91	1,618.03	1,682.76	1,750.07	1,820.07
H56										
Annual	39,653.97	40,843.59	42,068.90	43,751.65	45,501.72	47,321.79	49,214.66	51,183.25	53,230.58	55,359.80
Bi-weekly	1,525.15	1,570.91	1,618.03	1,682.76	1,750.07	1,820.07	1,892.87	1,968.59	2,047.33	2,129.22
H58										
Annual		43,751.66	45,501.72	47,321.79	49,214.66	51,183.25	53,230.58	55,359.80	57,574.19	59,877.16
Bi-weekly		1,682.76	1,750.07	1,820.07	1,892.87	1,968.59	2,047.33	2,129.22	2,214.39	2,302.97

C. Salary Ranges and Classifications

Classification	Range
Clerk	H15
Clerk Typist	H17
Masonry Helper	H18
Account Clerk I	H20
Admin Aide I	H20
Data Entry Clerk	H20
Duplicating Equip Operator	H20
Permit Clerk I	H20
Police Records Technician	H20
Revenue Processor I	H20
Parking Enforcement Spec I	H22
Parking Meter Tech I	H22
Account Clerk II	H23
Code Compliance Officer I	H23
Meter Analyst	H23
Permit Clerk II	H23
Property Evidence Tech I	H23
Public Safety Specialist	H23
Revenue Processor II	H23
Admin Aide II	H24
Admin Secretary	H24
Buyer	H24
Engineering Assistant I	H24
Field Inspector I	H24
Financial Specialist I	H24
Painter	H24
Parking Dispatcher	H24
Account Clerk III	H25
Admin Asst I	H25
Carpenter I	H25
Communications Operator	H25
Dispatcher Trainee	H25
Mason	H25
Parking Enforcement Spec II	H25
Parking Meter Tech II	H25

Classification	Range
Carpenter II	H26
Commission Reporter I	H26
Complaint Operator II	H26
Crime Analysis Specialist	H26
Financial Specialist II	H26
Code Compliance Officer II	H27
Dispatcher	H27
Engineering Assistant II	H27
Property Evidence Tech II	H27
Commission Reporter II	H28
Financial Specialist III	H28
Plumber	H28
Police Fleet Specialist	H28
Planning Technician	H29
Air Conditioning Mechanic	H30
Electrician	H30
Engineering Assistant III	H30
Field Inspector II	H30
Crime Scene Technician I	H31
Police Photographer	H31
Code Compliance Admin.	H34
Crime Scene Technician II	H34
Building Inspector	H34
Electrical Inspector	H34
Elevator Inspector	H34
Engineering Inspector	H34
Mechanical Inspector	H34
Plumbing Inspector	H34
Pool Guard I	H50
Pool Guard II	H52
Lifeguard I	H52
Lifeguard II	H56
Lifeguard Lt.	H58

SECTION 5

REPEALER.

That all Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6:

SEVERABILITY.

If any section, subsection, clause, or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7:

EFFECTIVE DATES

The bi-weekly compensation set forth in Section 2 herin shall be effective retroactively in the 1st pay period ending in October 2003; the bi-weekly compensation set forth in Section 3 herein shall be effective retroactively in the 1st pay period ending in October 2004; and the bi-weekly compensation set forth in Section 4 shall be effective retroactively in the 1st pay period ending in October 2005.

PASSED AND ADOPTED this _____ day of _____, 2006


Mayor

ATTEST:

City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

T:\AGENDA\2006\Mar0806\Regular\cwa classified salary ordinance - ord.doc

 3/3/06
City Attorney Date

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, March 8, 2006**, to consider the following:

10:15 a.m.

An Ordinance Merging The Retirement System For General Employees Of The City Of Miami Beach With The Retirement System For Unclassified Employees Of The City Of Miami Beach, Thereby Creating The Miami Beach Employees' Retirement Plan; Implementing Provisions Of The 2003-2006 Collective Bargaining Agreement Between The City And The Communications Workers Of America; Amending Provisions Of The Retirement Plan Applicable To Non-Bargaining Unit And Unclassified Employees; The Changes Will Later Apply To Members Of The American Federation Of County State And Municipal Employees (AFSCME) And Government Supervisors Association (GSA) Bargaining Units Subject To The Collective Bargaining Process And Upon Ratification Of An Agreement By Those Units; Providing For Severability; Repealing All Ordinances In Conflict Therewith

Inquiries may be directed to the Labor Relations Department at (305) 673-7009.

10:20 a.m.

An Ordinance Amending Miami Beach City Code Chapter 78, Article II Thereof, Entitled "Employee Benefit Plans"; Amending Section 78-81, Entitled "Group Health Insurance," And Section 78-82, Entitled "Health Maintenance Organization," To Require That Employees Make A One-Time Irrevocable Election To Continue Participating In The City Group Health Insurance Or Health Maintenance Organization Program Prior To Termination Of Employment To Be Eligible For Such Continued Participation; Providing That Employees Who Participate In The Defined Contribution Retirement System Must Have Ten Years Of Full-Time City Employment To Be Eligible For Retiree Health Benefits; Providing For Specified City Contributions Toward The Cost Of Retiree Health Coverage For Employees Hired On Or After The Effective Date Of This Ordinance; Providing Certain Exceptions; Repealing All Ordinances In Conflict Therewith.

Inquiries may be directed to the Labor Relations Department at (305) 673-7009.

10:25 a.m.

An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Group IV Classifications, Those Being The Classifications Covered By The Communications Workers Of America (CWA), Local 3178, In Accordance With The Negotiated Agreement; There Shall Be No Wage Increase For Fiscal Year 2003/2004; All CWA Bargaining Unit Employees Shall Be Paid, Prior To Any Other Wage Increase, A One-Time Lump Sum Payment Valued At Three Percent (3%) Of The Employee's Base Pay And His/Her Regular Pay Enhancements And The Overtime That The Employee Earned During Fiscal Year 2003/2004 (I.E. Based On The Employee's Extended Pay Plus Overtime, But Not To Include Any Sick Time Bonus Or Any Differentials Or Allowances); The Above Payment Shall Not Be Pensionable And Shall Not Increase The Employee's Base Pay, Nor Result In Any Adjustment To The Pay Ranges Contained In The Pay For Performance Plan; Effective In The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); The Three Percent (3%) One-Time Lump Sum Payment Referred To Earlier In This Paragraph Shall Not Be Included In The Calculation Of The Six Percent (6%) Cost Of Living Adjustment (COLA); Effective With The First Pay Period Ending In October Of 2005, There Shall Be An Across The Board Wage Increase Of Three And One Half Percent (3.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Three And One Half Percent (3.5%); Amending The Salary Ranges Of The Classifications Specified In The Negotiated Agreement; Creating The Classifications Of Field Inspector I, Field Inspector II, Meter Analyst, Parking Dispatcher, Revenue Processor I And Revenue Processor II; Deleting The Titles Of Coin Room Money Handler, I.D. Technician I And I.D. Technician II; Deleting The Previous Format Of The CWA Section Of The Ordinance And Replacing It With The Current Format Of The Other Sections; Repealing All Ordinances In Conflict.

Inquiries may be directed to the Human Resources Department at (305) 673-7520.

10:30 a.m.

An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article VI Entitled "Naming Of Public Facilities And Establishments Of Monuments And Memorials," By Amending Section 82-501, Entitled "Generally", To Provide That The City Owned Building, Located At 2200 Liberty Avenue, Miami Beach, Florida, And Housing The Administrative Offices And Studio And Teaching Facilities Of The Miami City Ballet, Pursuant To The Lease Agreement Between The City, As Landlord, And Miami City Ballet, Inc. As Tenant, Shall Be Exempt From The Provisions Of Said Article VI, For So Long As Said City- Owned Building Is Leased To Miami City Ballet, Inc., A Not For Profit Corporation, And Used By The Ballet For The Aforestated Purposes And In Accordance With The Terms And Conditions Of The Lease Agreement.

Inquiries may be directed to the Finance Department at (305) 673-7466.

10:35 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article IV, "Supplementary District Regulations", Division 3, "Supplementary Use Regulations," By Adding Section 142-1110, Entitled "Mobile Storage Containers", To Regulate Storage Containers.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:40 a.m.

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Amending Chapter 82, "Public Property," Article II, "Sale Or Lease Of Public Property," Sections 82-36 Through 89-40, To Expand The Applicability Of The Ordinance To Include Vacations Of Easements, Alleys, Rights-Of-Way, Or Any Other Conveyance Or Reduction Of The City's Interest In Real Property; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:50 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off Street Parking", Article III, "Design Standards", To Modify The Requirements For Commercial And Residential Uses In Front Of Certain Portions Of A Parking Garage; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", By Amending Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", Section 142-156 To Modify The Requirements For New Construction To Require Residential Uses In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", Subdivision V, "RM-3 Residential Multifamily High Intensity", Division 4, "CD-1 Commercial, Low Intensity District", Division 5, "CD-2 Commercial, Medium Intensity District", Division 6, "CD-3 Commercial, High Intensity District", And Division 13, "MXE Mixed Use Entertainment District", To Add New Sections Specifying Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Division 18, "Performance Standard District", Section 142-695, To Add New Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager
Murray H. Dubbin, City Attorney

DATE: March 8, 2006

SUBJECT: **SECOND READING ON AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CITY CODE, ENTITLED "PUBLIC PROPERTY", BY AMENDING ARTICLE VI, ENTITLED "NAMING OF PUBLIC FACILITIES AND ESTABLISHMENTS OF MONUMENTS AND MEMORIALS", BY AMENDING SECTION 82-501, ENTITLED "GENERALLY", TO PROVIDE THAT THE CITY OWNED BUILDING, LOCATED AT 2200 LIBERTY AVENUE, MIAMI BEACH, FLORIDA, AND HOUSING THE ADMINISTRATIVE OFFICES AND STUDIO AND TEACHING FACILITIES OF THE MIAMI CITY BALLET, PURSUANT TO THE LEASE AGREEMENT BETWEEN THE CITY, AS LANDLORD AND MIAMI CITY BALLET, INC. AS TENANT, SHALL BE EXEMPT FROM THE PROVISIONS OF SAID ARTICLE VI, FOR SO LONG AS SAID CITY- OWNED BUILDING IS LEASED TO MIAMI CITY BALLET, INC., A NOT FOR PROFIT CORPORATION, AND USED BY THE BALLET FOR THE AFORESTATED PURPOSES AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE LEASE AGREEMENT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND EFFECTIVE DATE.**

In an effort to continue to sustain the viability of the Miami City Ballet and to continue to house the Ballet's headquarters in the City of Miami Beach, the City has been negotiating with the Ballet to purchase the current Miami City Ballet studio facility/building, located at 2200 Liberty Avenue, which building houses the Ballet's principal headquarters, administrative offices and studio and teaching facilities (the Building). Concurrent with the purchase of the Building by the City, the City and the Ballet also intend to enter to a long-term lease, whereby the City, as the landlord, will continue to allow the Ballet, as tenant, to continue to occupy the Building, and operate and maintain the facility for the aforesated purposes.

The proposed transaction was conceptually approved by both the Mayor and City Commission and the Miami Beach Redevelopment Agency at their respective meetings on September 21, 2005. Since then, the City Administration and City Attorney's Office have met with the representatives of the Ballet and negotiated the terms of the Purchase and Sale Agreement (for the Building), and a long-term Lease Agreement. Thus far, and as required pursuant to Section 1.03(b)(3) of the Charter of the City of Miami Beach, the terms of the proposed Lease Agreement were approved by a majority vote of the City's Planning Board at its regular meeting on December 20, 2005. The Lease will be considered by the Mayor and

Agenda Item RSD

Date 3-8-06

City Commission, following a required public hearing, at the City Commission of February 8, 2006.

As part of its approval of the proposed Lease, the Planning Board raised the issue that, as the Building, upon purchase by the City, will essentially become a "public facility," it will be necessary for the Building to comply with the City's Naming Ordinance (as codified in Chapter 82, Article VI, § 82-501 thru 82-505 of the City Code).

The Ballet has raised the concern that, currently, interior and exterior portions of the Building, including but not limited to the name of the Building on the exterior façade ("Ophelia and Juan Js. Roca Center") were named by the Ballet, in consideration for monetary donations. These monies were applied by the Ballet toward the construction of the Building, and/or toward the ongoing operation, maintenance of the Building and/or the Ballet's programs. The Ballet has represented that these types of donations (made in consideration for naming opportunities) represent continuing, binding obligations that the Ballet has to said donors. Were the City to require that said names be deleted and/or removed upon the City's purchase of the Building, the Ballet may incur liability.

Additionally, the Ballet has requested the flexibility to continue to pursue future donations, in exchange for naming opportunities which may be available either in the interior or exterior portions of the Building. This is a common established fundraising practice among cultural institutions.

To that end, it has always been the City Administration's intent in pursuing the purchase of the Building and, in turn, leasing it back to the Ballet for its continued use, to assist the Ballet and allow it to sustain itself as not only a world class cultural institution, but a world class cultural institution that continues to have the City of Miami Beach as its principal headquarters. The City has also recognized the need for cultural institutions to have as much flexibility and options in fundraising; particularly in an ever-competitive market. The City faced a similar situation with the Bass Museum of Art which, as another leading cultural institution which is housed in a City-owned public facility, commonly seeks donations in exchange for naming opportunities (within portions of the Museum). To that end, an exemption in the City's Naming Ordinance was created for the Bass Museum of Art.

The Administration supports the Miami City Ballet's request for an exemption from the City's Naming Ordinance. Not only would this satisfy the Planning Board's concerns that the Building "comply" with the City's Naming Ordinance, but the exemption would allow the Ballet to maintain the "status quo" of any existing donations given in consideration of naming opportunities, as well as pursue and any all other future fundraising opportunities (which may include naming conditions requested by prospective donors).

Accordingly, the City Attorney's Office and the Administration have drafted the attached Amendment to the City's Naming Ordinance which, like the Bass Museum of Art, would exempt the Miami City Ballet from the provisions of the Ordinance; provided that such exemption is valid only for so long as the Building continues to be leased to the Ballet and used and operated by the Ballet as its principal headquarters, offices, studio and teaching facilities; and further, that the Ballet remains in good standing pursuant to its Lease Agreement with the City. Additionally, upon the earlier of either expiration of the Lease or other termination, the exemption will automatically terminate.

JMG:TH:JD:rlr

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82 OF THE CITY CODE, ENTITLED "PUBLIC PROPERTY", BY AMENDING ARTICLE VI, ENTITLED "NAMING OF PUBLIC FACILITIES AND ESTABLISHMENTS OF MONUMENTS AND MEMORIALS", BY AMENDING SECTION 82-501, ENTITLED "GENERALLY", TO PROVIDE THAT THE CITY OWNED BUILDING, LOCATED AT 2200 LIBERTY AVENUE, MIAMI BEACH, FLORIDA, AND HOUSING THE ADMINISTRATIVE OFFICES AND STUDIO AND TEACHING FACILITIES OF THE MIAMI CITY BALLET, PURSUANT TO THE LEASE AGREEMENT BETWEEN THE CITY, AS LANDLORD, AND MIAMI CITY BALLET, INC. AS TENANT, SHALL BE EXEMPT FROM THE PROVISIONS OF SAID ARTICLE VI, FOR SO LONG AS SAID CITY- OWNED BUILDING IS LEASED TO MIAMI CITY BALLET, INC., A NOT FOR PROFIT CORPORATION, AND USED BY THE BALLET FOR THE AFORESTATED PURPOSES AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE LEASE AGREEMENT; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND EFFECTIVE DATE.

WHEREAS, in an effort to continue to sustain the viability of the Miami City Ballet (the Ballet), and to continue to house the Ballet's headquarters in the City of Miami Beach, the City intends to purchase the current Miami City Ballet studio facility building, located at 2200 Liberty Avenue, which building houses the Ballet's principal headquarters, administrative offices, and studio and teaching facilities (the Building); and

WHEREAS, concurrent with the purchase of the Building by the City, the City and the Ballet intend to enter into a long term Lease Agreement, whereby the City, as landlord, will continue to allow the Ballet, as tenant, to occupy the Building; MCB shall continue to operate and maintain the Building for the aforestated purposes; and

WHEREAS, prior to acquisition by the City, and therefore prior to becoming "City-owned" property, the Building was designed and constructed by Miami City Ballet, Inc., a not for profit corporation; the portion of the monies used to finance the construction of the Building came in part from private donors and supporters of the Ballet; and

WHEREAS, as a condition of some donations, the Ballet was obligated to grant certain naming rights in the interior and exterior portion(s) of the Building to donors,

including, but not limited to, the current name on the Building ("Ophelia and Juan Js. Roca Center"), as displayed on the exterior façade; and

WHEREAS, Chapter 82, Article VI, Sections 82-501 through 82-505 of the City Code, establishes certain procedures for the naming of public facilities and establishment of monuments and memorials on City property (the City's Naming Ordinance); and

WHEREAS, because, upon acquisition by the City, the Building will become City property, and therefore fall under the purview of the City's Naming Ordinance as a "public facility," the Ordinance would require that any current and future names in the interior and/or exterior portion(s) of the Building either comply with the provisions therein, or be exempted; and

WHEREAS, the Ballet has stated its concern that, as existing names on the exterior and/or interior portions of the Building (including the name of the Building as it appears on the exterior facade), were agreed to by the Ballet in exchange for financial consideration from donors, which monies were applied either to fund the initial construction of the Building, or to sustain the Ballet's ongoing operations and programs, these commitments represent binding obligations between the Ballet and such donors, and to remove and/or otherwise alter same could result in a breach of the Ballet's obligations and result in liability; and

WHEREAS, additionally, in order to continue to receive sizable donations in the future, which may be conditioned upon the naming of interior and/or exterior portions of the Building, the Ballet, in addition to being allowed to maintain any current names, also seeks the flexibility to pursue such future revenue-generating opportunities without being further restricted by the City's Naming Ordinance; and

WHEREAS, it is common practice for cultural institutions to solicit and procure donations in exchange for naming opportunities; and

WHEREAS, the Ballet's request for an exemption from the City's Naming Ordinance that the Ballet is consistent with the exemption previously granted to the Bass Museum of Art, another cultural institution which, in order to secure the continued support of some donors (to sustain the viability of the Museum), may be obligated to name a portion or portions of that public facility, in consideration of such financial support; and

WHEREAS, the Administration recommends that the exemption requested by the Ballet be granted, provided that it is granted only for so long as the Ballet occupies the Building and remains in good standing, under the terms and conditions of its Lease Agreement with the City; and

WHEREAS, upon expiration and/or earlier termination of the Lease, the City may remove any existing names on the interior or exterior of the Building and shall in no way be obligated to maintain any naming commitments incurred by the Ballet.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. AMENDMENT TO ARTICLE VI OF CHAPTER 82 OF THE CITY CODE.

A. That Section 82-501, Chapter 82 of the Miami Beach City Code is hereby amended as follows:

**CHAPTER 82
PUBLIC PROPERTY**

* * *

ARTICLE VI. Naming of Public Facilities and Establishment of Monuments and Memorials.

* * *

Sec. 82-501. Generally.

No public facility located in or owned by the city shall be named except in accordance with the procedures set forth in this article.

No monument or memorial shall be established within the city except in accordance with the procedures set forth in this article.

Effective upon adoption of this article, no street located in the city shall be hereafter named, renamed, or co-named after any person or persons, living or deceased.

The Bass Museum of Art and the City-owned building, located at 2200 Liberty Avenue, Miami Beach, Florida (the Miami City Ballet Building), shall be exempt from the provisions of this Article; provided that the Miami City Ballet Building shall only be exempt for so long as (i) said Building is occupied, operated and maintained by Miami City Ballet, Inc., a not for profit corporation; (ii) the Building is used as the principal headquarters, administrative offices, and studio and teaching facilities of the Miami City Ballet; and (iii) Miami City Ballet, Inc. remains in good standing and free from defaults under that certain Lease Agreement for the Miami City Ballet Building between the City, as landlord, and Miami City Ballet, Inc., as tenant. The exemption for the Miami City Ballet Building shall automatically terminate upon the earlier of the expiration or other termination of the aforesated Lease Agreement between the parties.

(Ord. No. 2000-3266, § 1, 9-27-00)

SECTION 2. REPEALER

All ordinances or parts in conflict herewith be and the same are hereby repealed.

SECTION 3 SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court or competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

SECTION 4. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect on the ____ day of _____, 2006.

PASSED and ADOPTED this ____ day of _____, 2006

ATTEST:


MAYOR

CITY CLERK

F:\atto\AGUR\RESOS-ORD\Naming of Public Facilities & Establishment of Monuments (Second Amendment 2-2-06).doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

4

 2-3-06
City Attorney Date

Condensed Title:

Amending Chapter 142, "Zoning Districts And Regulations", By Adding Section 142-1110, Entitled "Mobile Storage Containers", To Regulate Storage Containers.

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character.

Issue:

To regulate the manner and amount of time a mobile storage unit could be placed in single-family residential zoning districts.

Item Summary/Recommendation:

In single-family residential zoning districts, Mobile Storage Containers would be permitted in driveways of single family houses for up to 7 days.

The container will be required to have the date of placement and date of required removal placed visibly on the exterior of the container by the container provider. In this way, Code Compliance personnel can easily establish the legality of the container. The homeowner, either directly or through the container provider, will be required to provide notification of placement of any storage container, including dates of placement and proposed removal, to the Miami Beach Planning Department.

Only the name and telephone number of the container company may appear on the container; no other advertisement shall be permitted. Containers shall only be placed on private property. No storage container may be placed on public right-of-way. In the case of a Hurricane Watch, the container must be immediately removed.

Advisory Board Recommendation:

The Planning Board reviewed the proposed ordinance at its December 20, 2005 meeting, and transmitted it to the City Commission with a favorable recommendation.

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

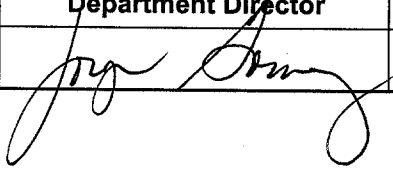

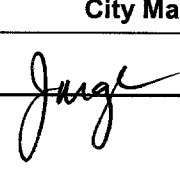
OBPI

Financial Impact Summary: The ordinance is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

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Sign-Offs:

Department Director	Assistant City Manager	City Manager
		





MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SECOND READING
PUBLIC HEARING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 3, "SUPPLEMENTARY USE REGULATIONS," BY ADDING SECTION 142-1110, ENTITLED "MOBILE STORAGE CONTAINERS", TO REGULATE STORAGE CONTAINERS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

ANALYSIS

At the February 23, 2005 City Commission meeting, the Commission referred a discussion regarding long-term storage of "PODS" to the Land Use And Development Committee, at the request of Commissioners Richard Steinberg and Jose Smith.

Subsequently, the Land Use And Development Committee reviewed articles regarding various municipalities' responses to the issue of mobile storage units, and a draft of a proposed ordinance which would limit the time a mobile storage unit could be placed in single family areas. After discussion, the committee directed Planning Department staff to continue to refine the ordinance, with a seven (7) day time limit, the requirement for the storage unit company to notify the City of placement of the pods, requiring the seven day time limit to be shown in the contract with the customer, and a requirement to remove the unit in case of a hurricane watch. The revised ordinance was referred to the Planning Board for review.

ANALYSIS

The proposed ordinance would define a "Mobile Storage Container" as a shipping container typically used to store and ship personal goods and/or other materials, which is picked up and delivered by truck. The regulations would apply to Single-family Residential zoning districts; in other districts, the normal regulations applying to construction trailers and temporary business / sales trailers would continue to apply.

In Single-family residential zoning districts, Mobile Storage Containers would be permitted in driveways of single family houses for up to 7 business days.

The mobile storage container will be required to have the date of placement and date of required removal placed visibly on the exterior of the container by the container provider. In this way, Code Compliance personnel can easily establish the legality of the container.

The homeowner, either directly or through the container provider will be required to provide notification of placement of any storage container, including dates of placement and proposed removal, to the Miami Beach Planning Department.

Only the name of the storage container company and its telephone number may appear on the face of the container; no other advertisement shall be permitted. Mobile storage containers shall be placed on private property only. No storage container may be placed on any portion of the public right-of-way. Finally, in the case of the declaration of a Hurricane Watch for the Miami Beach area, the mobile storage container will need to be immediately removed.

In light of the City's efforts to preserve the single-family residential character of our neighborhoods, this type of regulation should be considered for enactment. Planning Department staff has reviewed other municipalities ordinances, and this is similar and consistent. Staff has also been in contact with the governmental relations office of the PODS company, who appear to be willing to work with the City and conform with these regulations.

PLANNING BOARD ACTION

At the December 20, 2005 meeting, a motion was made and approved by a vote of 7-0 recommending that the City Commission adopt the Ordinance.

FISCAL IMPACT

The proposed ordinance has no associated negative fiscal impact upon enactment.

CONCLUSION

The Administration recommends that the proposed ordinance be adopted.

Pursuant to Section 118-164(3), when a request to amend the Land Development Regulations of the City Code does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the city. Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

RL
JMG/TH/JGG/RGL

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE IV, "SUPPLEMENTARY DISTRICT REGULATIONS", DIVISION 3, "SUPPLEMENTARY USE REGULATIONS," BY ADDING SECTION 142-1110, ENTITLED "MOBILE STORAGE CONTAINERS", TO REGULATE STORAGE CONTAINERS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach seeks to maintain the residential character of its single family residential neighborhoods; and

WHEREAS, the recent proliferation of Mobile Storage Containers, or PODS, has raised questions as to how the City should regulate these containers in single family neighborhoods; and

WHEREAS, the City of Miami Beach desires to balance homeowner's abilities to utilize these containers for moving and storage with the need to maintain a residential character in single family neighborhoods; and

WHEREAS, the amendments set forth below are necessary to accomplish the above objective.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Section 142-1110 of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby created as follows:

Sec. 142-1110. Mobile Storage Containers.

- (a) A Mobile Storage Container is a shipping container typically used to store and ship personal goods and/or other materials, which is picked up and delivered by truck.
- (b) In Single-family residential zoning districts, Mobile Storage Containers are permitted in driveways of single family houses up to 7 business days.

- (c) The mobile storage container shall have the date of placement and date of required removal placed visibly on the exterior of the container by the container provider. The homeowner, either directly, or through container provider must provide notification of placement of any storage container, including dates of placement and proposed removal, to the Miami Beach Planning Department.
- (d) Only the name of the storage container company and its telephone number may appear on the face of the container; no other advertisement shall be permitted.
- (e) Mobile storage containers shall be placed on private property only. No storage container may be placed on any portion of the public right-of-way.
- (f) In the case of the declaration of a Hurricane Watch for the Miami Beach area, the mobile storage container shall be immediately secured or removed.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.


PASSED, ADOPTED AND APPROVED this ____ day of _____, 2006.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

2-28-06

Date

CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, March 8, 2006**, to consider the following:

10:15 a.m.

An Ordinance Merging The Retirement System For General Employees Of The City Of Miami Beach With The Retirement System For Unclassified Employees Of The City Of Miami Beach, Thereby Creating The Miami Beach Employees' Retirement Plan; Implementing Provisions Of The 2003-2006 Collective Bargaining Agreement Between The City And The Communications Workers Of America; Amending Provisions Of The Retirement Plan Applicable To Non-Bargaining Unit And Unclassified Employees; The Changes Will Later Apply To Members Of The American Federation Of County State And Municipal Employees (AFSCME) And Government Supervisors Association (GSA) Bargaining Units Subject To The Collective Bargaining Process And Upon Ratification Of An Agreement By Those Units; Providing For Severability; Repealing All Ordinances In Conflict Therewith

Inquiries may be directed to the Labor Relations Department at (305) 673-7009.

10:20 a.m.

An Ordinance Amending Miami Beach City Code Chapter 78, Article II Thereof, Entitled "Employee Benefit Plans"; Amending Section 78-81, Entitled "Group Health Insurance," And Section 78-82, Entitled "Health Maintenance Organization," To Require That Employees Make A One-Time Irrevocable Election To Continue Participating In The City Group Health Insurance Or Health Maintenance Organization Program Prior To Termination Of Employment To Be Eligible For Such Continued Participation; Providing That Employees Who Participate In The Defined Contribution Retirement System Must Have Ten Years Of Full-Time City Employment To Be Eligible For Retiree Health Benefits; Providing For Specified City Contributions Toward The Cost Of Retiree Health Coverage For Employees Hired On Or After The Effective Date Of This Ordinance; Providing Certain Exceptions; Repealing All Ordinances In Conflict Therewith.

Inquiries may be directed to the Labor Relations Department at (305) 673-7009.

10:25 a.m.

An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Group IV Classifications, Those Being The Classifications Covered By The Communications Workers Of America (CWA), Local 3178, In Accordance With The Negotiated Agreement; There Shall Be No Wage Increase For Fiscal Year 2003/2004; All CWA Bargaining Unit Employees Shall Be Paid, Prior To Any Other Wage Increase, A One-Time Lump Sum Payment Valued At Three Percent (3%) Of The Employee's Base Pay And His/Her Regular Pay Enhancements And The Overtime That The Employee Earned During Fiscal Year 2003/2004 (I.E. Based On The Employee's Extended Pay Plus Overtime, But Not To Include Any Sick Time Bonus Or Any Differentials Or Allowances); The Above Payment Shall Not Be Pensionable And Shall Not Increase The Employee's Base Pay, Nor Result In Any Adjustment To The Pay Ranges Contained In The Pay For Performance Plan; Effective In The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); The Three Percent (3%) One-Time Lump Sum Payment Referred To Earlier In This Paragraph Shall Not Be Included In The Calculation Of The Six Percent (6%) Cost Of Living Adjustment (COLA); Effective With The First Pay Period Ending In October Of 2005, There Shall Be An Across The Board Wage Increase Of Three And One Half Percent (3.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Three And One Half Percent (3.5%); Amending The Salary Ranges Of The Classifications Specified In The Negotiated Agreement; Creating The Classifications Of Field Inspector I, Field Inspector II, Meter Analyst, Parking Dispatcher, Revenue Processor I And Revenue Processor II; Deleting The Titles Of Coin Room Money Handler, I.D. Technician I And I.D. Technician II; Deleting The Previous Format Of The CWA Section Of The Ordinance And Replacing It With The Current Format Of The Other Sections; Repealing All Ordinances In Conflict.

Inquiries may be directed to the Human Resources Department at (305) 673-7520.

10:30 a.m.

An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article VI Entitled "Naming Of Public Facilities And Establishments Of Monuments And Memorials," By Amending Section 82-501, Entitled "Generally", To Provide That The City Owned Building, Located At 2200 Liberty Avenue, Miami Beach, Florida, And Housing The Administrative Offices And Studio And Teaching Facilities Of The Miami City Ballet, Pursuant To The Lease Agreement Between The City, As Landlord, And Miami City Ballet, Inc. As Tenant, Shall Be Exempt From The Provisions Of Said Article VI, For So Long As Said City- Owned Building Is Leased To Miami City Ballet, Inc., A Not For Profit Corporation, And Used By The Ballet For The Aforestated Purposes And In Accordance With The Terms And Conditions Of The Lease Agreement.

Inquiries may be directed to the Finance Department at (305) 673-7466.

10:35 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article IV, "Supplementary District Regulations", Division 3, "Supplementary Use Regulations," By Adding Section 142-1110, Entitled "Mobile Storage Containers", To Regulate Storage Containers.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:40 a.m.

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Amending Chapter 82, "Public Property," Article II, "Sale Or Lease Of Public Property," Sections 82-36 Through 89-40, To Expand The Applicability Of The Ordinance To Include Vacations Of Easements, Alleys, Rights-Of-Way, Or Any Other Conveyance Or Reduction Of The City's Interest In Real Property; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:50 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off Street Parking", Article III, "Design Standards", To Modify The Requirements For Commercial And Residential Uses In Front Of Certain Portions Of A Parking Garage; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", By Amending Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", Section 142-156 To Modify The Requirements For New Construction To Require Residential Uses In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", Subdivision V, "RM-3 Residential Multifamily High Intensity", Division 4, "CD-1 Commercial, Low Intensity District", Division 5, "CD-2 Commercial, Medium Intensity District", Division 6, "CD-3 Commercial, High Intensity District", And Division 13, "MXE Mixed Use Entertainment District", To Add New Sections Specifying Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Division 18, "Performance Standard District", Section 142-695, To Add New Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: If a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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COMMISSION MEMORANDUM

TO: Mayor Dermer and Members of the City Commission
City Manager Jorge M. Gonzalez

FROM: Murray H. Dubbin, City Attorney

DATE: March 8, 2006

SUBJECT: Amendment to the Shapiro Ordinance

**Second Reading
Public Hearing**

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82, "PUBLIC PROPERTY," ARTICLE II, "SALE OR LEASE OF PUBLIC PROPERTY," SECTIONS 82-36 THROUGH 89-40, TO EXPAND THE APPLICABILITY OF THE ORDINANCE TO INCLUDE VACATIONS OF EASEMENTS, ALLEYS AND RIGHTS-OF-WAY, ~~OR ANY OTHER CONVEYANCE OR REDUCTION OF THE CITY'S INTEREST IN REAL PROPERTY AND TERMINATIONS OF PUBLIC EASEMENTS ON PRIVATE PROPERTY, WITH CERTAIN EXCLUSIONS, AND AMENDING THE PROCEDURES THEREFORE;~~ PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

The attached Ordinance was prepared and placed on the City Commission meeting agenda of January 11, 2006 at the request of Commissioner Steinberg. His memorandum, dated December 29, 2005, making that request is attached.

The Commission approved the Ordinance on first reading, but (1) asked that the Administration and City Attorney's Office meet with Commissioner Steinberg before second reading to clarify the proposal; and (2) referred it to the Land Use and Development Committee to consider changes to it before second reading.

At the meeting with Commissioner Steinberg, it was agreed that the language originally drafted, providing for Shapiro Ordinance review for "any other conveyance or reduction of the City's interest in property" would be omitted, due to the unforeseen circumstances that could be included within such broad language. The ordinance amendment was refined to provide that the definition of "Sale" include vacations of alleys and rights-of-way, and terminations of public easements on private property (excluding grants and/or terminations of utility easements), thereby incorporating these additional conveyances as requiring Shapiro Ordinance review.

Further, as discussed and requested by the Commission on first reading, the hearing

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process under the Shapiro Ordinance would be amended to provide for two readings of a resolution approving sales or leases (as defined, including vacations of alleys, rights-of-way, and terminations of easements), and then a public hearing following the second reading. The "Hearing" subsection of the Ordinance with the new language indicated with underlining is proposed to read: "Prior to the sale and/or lease of city property, the city commission shall have read the title of the resolution approving such sale and/or lease on two separate dates and immediately following the second reading hold a public hearing, advertised not less than 15 days prior to the hearing, in order to obtain citizen input into any proposed sale and/or lease."

The language in the amendment providing for a clarification of the appraisal remains, including: The appraisal shall include a determination of the value of the property based on proposed and possible uses thereof by potential purchasers or lessees.

The Land Use and Development Committee met on February 28, 2006 to discuss the Ordinance amendments and passed the amendments on to the City Commission for consideration.

MHD/GMH

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 82, "PUBLIC PROPERTY," ARTICLE II, "SALE OR LEASE OF PUBLIC PROPERTY," SECTIONS 82-36 THROUGH 82-40, TO EXPAND THE APPLICABILITY OF THE ORDINANCE TO INCLUDE VACATIONS OF ALLEYS AND RIGHTS-OF-WAY, AND TERMINATIONS OF PUBLIC EASEMENTS ON PRIVATE PROPERTY, WITH CERTAIN EXCLUSIONS, AND AMENDING THE PROCEDURES THEREFORE; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Code of the City of Miami Beach provides specific procedures for the sale or lease of public property in Chapter 82 (the Ordinance); and

WHEREAS, the City Commission believes that the Ordinance should apply to vacations of alleys, and rights-of-way, and terminations of public easements on private property, with certain exclusions for grants and/or termination of utility easements; and

WHEREAS, additionally, the City Commission finds that it is in the best interest of the City to also amend certain procedures therein for approval of leases or sale of public property.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Miami Beach City Code Chapter 82, "Public Property," Article II, "Sale or Lease of Public Property," Sections 82-36 through 82-40, be amended as follows:

Sec. 82-36. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City property includes but is not limited to any land, water or air rights.

Lease of city property means any right to lease city property by way of agreement, irrespective of consideration being paid to the city, and irrespective of the city's also utilizing or being allowed to utilize the property for any purpose during the term of the lease. For purposes of this article, the term "lease" shall not include special event permits, ~~revokable~~ revocable permits, or concession agreements, convention center or T.O.P.A. use agreements, or leases for a term of not more than one year, including option periods.

Sale of city property means any conveyance, transfer, gift, exchange or other transaction in

which legal title passes from the city to any person or entity, whether or not the city retains any partial title, interest, reservation, easement, right-of-way, restriction or license in regard to the property. "Sale" shall include vacations of alleys and rights-of-way, and terminations of public easements on private property (excluding grants and/or terminations of utility easements).

(Ord. No. 92-2783, § 1, 6-17-92)

Cross references: Definitions generally, § 1-2.

Sec. 82-37. Hearing.

Prior to the sale and/or lease of city property, the city commission shall have read the title of the resolution approving such sale and/or lease on two separate dates and immediately following the second reading hold a public hearing, advertised not less than 15 days prior to the hearing, in order to obtain citizen input into any proposed sale and/or lease.

(Ord. No. 92-2783, § 2, 6-17-92)

Sec. 82-38. Analysis.

In order for the city commission and the public to be fully apprised of all conditions relating to the proposed sale and/or lease of city property, the planning, design and historic preservation divisions shall prepare an analysis using the following criteria:

- (1) Whether or not the proposed use is in keeping with city goals and objectives and conforms to the city comprehensive plan.
- (2) The impact on adjacent property, including the potential positive or negative impacts such as diminution of open space, increased traffic, noise level or enhanced property values, improved development patterns and provision of necessary services. Based on the proposed use of the property, the city shall determine the potential impact of the project on city utilities and other infrastructure needs and the magnitude of costs associated with needed infrastructure improvements. Should it become apparent that further evaluation of traffic impact is needed, the proponent shall be responsible for obtaining a traffic impact analysis from a reputable traffic engineer.
- (3) A determination as to whether or not the proposed use is in keeping with a public purpose and community needs, such as expanding the city's revenue base, reducing city costs, creating jobs, creating a significant revenue stream, and improving the community's overall quality of life.
- (4) Determination as to whether or not the development is in keeping with the surrounding neighborhood, will block views or create other environmental intrusions, and evaluation of the design and aesthetic considerations of the project.
- (5) The impact on adjacent properties, whether or not there is adequate parking, street

and infrastructure needs.

(6) A determination as to whether or not alternatives are available for the proposed disposition, including assembly of adjacent properties, and whether the project could be accomplished under a private ownership assembly.

(7) Within the constraints of public objectives, the department should examine financial issues such as job generation, providing housing opportunities, and the return to the city for its disposition of property.

(8) Such other issues as the planning, design and historic preservation division may deem appropriate in analysis of the proposed disposition.

(Ord. No. 92-2783, § 3, 6-17-92)

Sec. 82-39. Advertised public bidding process.

There shall be no sale or lease of city property unless there has been an advertised public bidding process. In addition, the sale or lease shall comply with all requirements of state, county and city laws and regulations. For any sale or lease of city property there shall also be an independent appraisal of the fair market or rental value of the property. The appraiser must be experienced in determining a reasonable return for projects of a public/private joint venture nature. Should the purchaser or lessee be unwilling to pay the cost of such appraisal, then any such cost may be deducted from a bid bond or similar deposit made in a bid process. The appraisal shall include a determination of the value of the property based on proposed and possible uses thereof by the proposed purchaser or lessee. In regard to all leases of more than five years, including option periods, the conditions of this section, and in regard to leases of five years or less, including option periods, the conditions of this section, and the public hearing requirement in section 82-37, may be waived by a five-sevenths vote of the city commission upon a finding by the city commission that the public interest would be served by waiving such conditions. In regard to any sale, the conditions of only this section may be waived upon a five-sevenths vote of the city commission upon a finding by the city commission that the public interest would be served by waiving such conditions of bidding and/or appraisal for the disposition of the property.

(Ord. No. 92-2783, § 4, 6-17-92)

Sec. 82-40. Payment of costs.

All costs associated with the sale or lease procedures addressed in this article shall be, at the option of the city, paid by the purchaser or lessee.

(Ord. No. 92-2783, § 5, 6-17-92)
Secs. 82-41--82-70. Reserved.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. INCLUSION IN CODE OF THE CITY OF MIAMI BEACH, FLORIDA.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word ordinance may be changed to section or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2006.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3/3/06

Date

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CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, March 8, 2006**, to consider the following:

10:15 a.m.

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Inquiries may be directed to the Labor Relations Department at (305) 673-7009.

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Inquiries may be directed to the Planning Department at (305) 673-7550.

10:40 a.m.

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Amending Chapter 82, "Public Property," Article II, "Sale Or Lease Of Public Property," Sections 82-36 Through 89-40, To Expand The Applicability Of The Ordinance To Include Vacations Of Easements, Alleys, Rights-Of-Way, Or Any Other Conveyance Or Reduction Of The City's Interest In Real Property; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:50 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off Street Parking", Article III, "Design Standards", To Modify The Requirements For Commercial And Residential Uses In Front Of Certain Portions Of A Parking Garage; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", By Amending Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", Section 142-156 To Modify The Requirements For New Construction To Require Residential Uses In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", Subdivision V, "RM-3 Residential Multifamily High Intensity", Division 4, "CD-1 Commercial, Low Intensity District", Division 5, "CD-2 Commercial, Medium Intensity District", Division 6, "CD-3 Commercial, High Intensity District", And Division 13, "MXE Mixed Use Entertainment District", To Add New Sections Specifying Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Division 18, "Performance Standard District", Section 142-695, To Add New Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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Condensed Title:

Ordinance Amendment Pertaining to Parking Pedestal Design Requirements.

Key Intended Outcome Supported:

Increase satisfaction with Neighborhood Character

Issue:

To require that parking pedestals facing streets and waterways be fronted with residential or commercial uses, as applicable.

Item Summary/Recommendation:

The subject ordinance requires that all parking pedestals incorporate residential or commercial uses, as applicable, at the ground level along every facade facing a street, sidewalk, waterway or the ocean, as well as residential uses at each level facing the ocean or a waterway. Any parking levels above the first floor that face a street or sidewalk would also be required to incorporate residential or commercial spaces, the quantity and distribution of which would be subject to the Design Review or Historic Preservation Boards, as applicable. For properties not having access to an alley, the required residential or commercial space at ground level shall exclude frontage for entrance and exit drives.

The Administration recommends that the Ordinance be adopted.

Advisory Board Recommendation:

The Historic Preservation Board reviewed the subject Ordinance on November 8, 2005 and recommended approval.

The Design Review Board reviewed the subject Ordinance on November 15, 2005 and recommended approval.

The Planning Board reviewed the subject Ordinance on November 22, 2005 and transmitted it to the City Commission with a favorable recommendation.

The and Parking Committee (TPC) reviewed the subject Ordinance on January 9, 2006 and recommended approval.

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

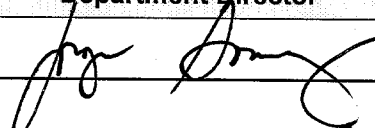
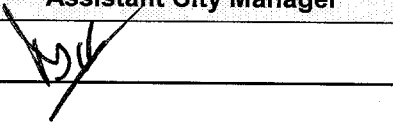
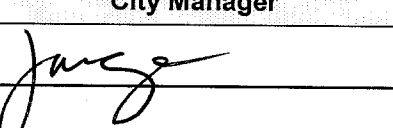
OBPI

Financial Impact Summary:
The proposed Ordinance is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Tom Mooney

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



MIAMI BEACH

AGENDA ITEM R56
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: March 8, 2006

**SECOND READING
PUBLIC HEARING**

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 130, "OFF STREET PARKING," ARTICLE III, "DESIGN STANDARDS," TO MODIFY THE REQUIREMENTS FOR COMMERCIAL AND RESIDENTIAL USES IN FRONT OF CERTAIN PORTIONS OF A PARKING GARAGE; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," BY AMENDING DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," SECTION 142-156 TO MODIFY THE REQUIREMENTS FOR NEW CONSTRUCTION TO REQUIRE RESIDENTIAL USES IN FRONT OF CERTAIN PORTIONS OF A PARKING LOT OR PEDESTAL; BY AMENDING SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY," SUBDIVISION V, "RM-3 RESIDENTIAL MULTIFAMILY HIGH INTENSITY," DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT," DIVISION 6, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT," AND DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT," TO ADD NEW SECTIONS SPECIFYING REQUIREMENTS FOR RESIDENTIAL USES OR COMMERCIAL SPACE IN FRONT OF CERTAIN PORTIONS OF A PARKING LOT OR PEDESTAL; BY AMENDING DIVISION 18, "PERFORMANCE STANDARD DISTRICT," SECTION 142-695, TO ADD NEW REQUIREMENTS FOR RESIDENTIAL USES OR COMMERCIAL SPACE IN FRONT OF CERTAIN PORTIONS OF A PARKING LOT OR PEDESTAL; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

ANALYSIS

Recently, the Historic Preservation Board adopted a Resolution urging the City Commission to modify the Land Development Regulations of the City Code to require that all portions of parking pedestals facing public rights-of-way, the ocean or the bay, be lined with residential units. The Land Use and Development Committee considered the request of the Historic Preservation Board and recommended that the Full Commission transmit an Ordinance to the Planning Board.

The subject ordinance requires that all parking pedestals incorporate residential or commercial uses, as applicable, at the ground level along every facade facing a street, sidewalk, waterway or the ocean, as well as the upper levels of those facades facing a waterway. For properties not having access to an alley, the required residential or commercial space at ground level shall exclude frontage for entrance and exit drives.

The purpose of the proposed Ordinance is to address existing shortcomings in the current code as it pertains to portions of parking pedestals that front sidewalks, rights-of-way and waterfronts. In this regard a number of projects have been approved over the last few years, as well as recently, with parking pedestals that are inappropriately screened and programmed on the street and waterfront elevations. These structures fail to respond to the built context of their surroundings as they consist of monolithic buildings with bright lighting fixtures, large openings and unsightly visual blight.

The subject Ordinance proposes to codify what has been a standard recommendation of Planning Department staff for new development projects, and a standard that has been applied on a fairly consistent basis by the City's development review boards. Specifically, the proposed Ordinance would require that those portions of a parking pedestal or a parking garage that face a street, sidewalk or waterway (including the ocean) at the ground level be clad with active programming such as residential or office uses, as applicable.

In order to address unique situations and extenuating circumstances, such as the construction of a public parking garage or odd shaped lots, the Planning Board slightly modified the original draft of the Ordinance. In this regard, those portions of a parking pedestal facing a street or sidewalk above the first level would incorporate a residential or commercial component, but the quantity and distribution of such uses would be left to the discretion of the Design Review or Historic Preservation Boards, as applicable. For those floors above the first level that face the ocean or a waterway, residential uses would still be mandatory.

This Ordinance amendment will assure that new infill construction is contextually compatible with the built character of its immediate area. Additionally, it will help reduce the sometimes overbearing size of large pedestals, as well as reduce the height of development projects by requiring that portions of a structure that would normally be located above a pedestal now be placed within the pedestal, thus lowering the overall height of new buildings while having no impact on the maximum FAR for a site.

These modifications clarify the relevant development regulation sections for all commercial and multi-family zoning districts in the Land Development Regulations and will assist individuals who are reading the code for the first time in order to ascertain specific development rights and requirements.

The Design Review Board reviewed the subject Ordinance on November 15, 2005 and recommended approval and the Historic Preservation Board reviewed the subject Ordinance on November 8, 2005.

The Planning Board reviewed the subject Ordinance on November 22, 2005 and transmitted it to the City Commission with a favorable recommendation. The Planning Board recommended that the following be included in the subject Ordinance:

1. Residential or commercial uses, as applicable, shall be required at the first level along every facade facing a street, sidewalk or waterway.

2. Residential or commercial uses, as applicable, shall be required above the first level along every facade facing a waterway.
3. All facades above the first level, facing a street or sidewalk, shall include residential or commercial uses, the total amount of which shall be subject to the Design Review or Historic Preservation Board, as applicable.

The proposed Ordinance was presented to the Transportation and Parking Committee (TPC) on January 9, 2006. The TPC endorsed the proposed Ordinance amendment.

The City Commission approved the Ordinance on First Reading at their February 8, 2006 meeting. The Commission also requested that the Ordinance be revised to provide more development flexibility for smaller lots. In order to address this concern, the Administration as added the following language to the proposed Ordinance:

“For properties 50 feet in width or less, the total amount of residential space at the first level along a street side shall be determined by the Design Review or Historic Preservation Board, as applicable.”

FISCAL IMPACT

The proposed Ordinance is not expected to have any fiscal impact.

CONCLUSION

The Administration recommends that the City Commission adopt the proposed Ordinance on Second Reading.

Pursuant to Section 118-164(4) of the City Code, an affirmative vote of five-sevenths shall be necessary in order to enact any amendments to the Land Development Regulations.

JMG/TH/JGG/TRM

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PARKING PEDESTAL DESIGN REQUIREMENTS

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 130, "OFF STREET PARKING", ARTICLE III, "DESIGN STANDARDS", TO MODIFY THE REQUIREMENTS FOR COMMERCIAL AND RESIDENTIAL USES IN FRONT OF CERTAIN PORTIONS OF A PARKING GARAGE; BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", BY AMENDING DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS", SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY", SECTION 142-156 TO MODIFY THE REQUIREMENTS FOR NEW CONSTRUCTION TO REQUIRE RESIDENTIAL USES IN FRONT OF CERTAIN PORTIONS OF A PARKING LOT OR PEDESTAL; BY AMENDING SUBDIVISION IV, "RM-2 RESIDENTIAL MULTIFAMILY MEDIUM INTENSITY", SUBDIVISION V, "RM-3 RESIDENTIAL MULTIFAMILY HIGH INTENSITY", DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT", DIVISION 5, "CD-2 COMMERCIAL, MEDIUM INTENSITY DISTRICT", DIVISION 6, "CD-3 COMMERCIAL, HIGH INTENSITY DISTRICT", AND DIVISION 13, "MXE MIXED USE ENTERTAINMENT DISTRICT", TO ADD NEW SECTIONS SPECIFYING REQUIREMENTS FOR RESIDENTIAL USES OR COMMERCIAL SPACE IN FRONT OF CERTAIN PORTIONS OF A PARKING LOT OR PEDESTAL; BY AMENDING DIVISION 18, "PERFORMANCE STANDARD DISTRICT", SECTION 142-695, TO ADD NEW REQUIREMENTS FOR RESIDENTIAL USES OR COMMERCIAL SPACE IN FRONT OF CERTAIN PORTIONS OF A PARKING LOT OR PEDESTAL; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (City) places a strong emphasis on the protection, enhancement and retention of the established architectural scale, character and context of the City's multifamily and mixed-use zoning districts; and

WHEREAS, the City Commission has deemed it in the best interest and welfare of the City to have procedures for the review of new construction within the City's multifamily and mixed-use zoning districts; and

WHEREAS, the City Commission has deemed it in the best interest and welfare of the City to adopt procedures to preserve, enhance and protect the unique architectural character and context of the multifamily and mixed-use zoning districts in Miami Beach; and

WHEREAS, The City of Miami Beach Historic Preservation, Design Review and Planning Boards strongly endorse the proposed amendments to the Code herein; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the

above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Chapter 130, "Off Street Parking", Article III, "Design Standards", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by amending section 130-68 as follows:

Sec. 130-68. Commercial and noncommercial parking garages.

Commercial and noncommercial parking garages as a main use on a separate lot shall be subject to the following regulations, in addition to the other regulations of this article:

(1) When located in the CD-1, CD-2, CD-3, C-PS1, C-PS2, C-PS3, C-PS4 and MXE districts and in GU districts adjacent to commercial districts, a commercial or noncommercial parking garage shall incorporate the following:

- a. Residential or commercial uses at the first level along every facade facing a street, sidewalk, waterway or the ocean. For properties not having access to an alley, the required residential or commercial space shall accommodate entrance and exit drives.
- b. Residential or commercial uses above the first level along every facade facing a waterway or the ocean.
- c. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable, based upon their respective criteria.

~~have at a minimum, first floor frontage consisting of space which is to be occupied for accessory residential or commercial uses along every facade facing a street, excluding frontage for entrance and exit drives.~~ However, in no instance shall the above described residential or commercial space exceed 25 percent of the total floor area of the structure. Additionally, in no instance shall the amount of floor area of the structure used for parking, exclusive of the required parking for the above described residential or commercial space, be less than 50 percent of the total floor area of the structure, so as to insure that the structure's main use is as a parking garage.

(2) When located in the RM-1, RM-2, RM-3, R-PS1, R-PS2, R-PS3 and R-PS4 districts and the GU districts adjacent to residential districts, the following regulations shall apply:

- a. aCommercial or noncommercial parking garage shall incorporate the following:
 1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk, waterway or the ocean. For properties not having access to an alley, the required residential or commercial space shall accommodate entrance and exit drives.
 2. Residential uses above the first level along every facade facing a waterway or the ocean.
 3. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be

determined by the Design Review or Historic Preservation Board, as applicable, based upon their respective criteria.

~~at a minimum be architecturally compatible with the character of the surrounding residential district. Where feasible, residential uses are encouraged on the facades facing a street.~~

b. In addition, the following shall apply:

1. a. When a parking garage is located in the RM-3 or R-PS4 districts, or on Collins Avenue from 25th to 44th Streets, or on West Avenue, south of 11th Street, in an RM-2 district where the subject site is located adjacent to an RM-3 district, such garage may also have first floor frontage with space occupied for commercial uses facing the subject RM-3 area.
2. b. When a parking garage is located in an RM-1 district, where the subject site is abutting a property line or separated by an alley from a CD-3 district, the garage may also serve commercial uses.
3. c. When a parking garage is located in an RM-2 district, where the subject site is fronting on or separated by a street but not an alley or property line from a CD-2 or CD-3 district, such garage may also have first floor frontage with space occupied for commercial uses facing the subject CD-2 or CD-3 area, and also serve commercial uses.
4. d. Any parking structure permitted under (b) and (c) that serve commercial uses shall be restricted to self-parking only. No valet parking shall be allowed.
5. e. At least one third of the parking spaces in any parking structures permitted under (b) and (c), shall be dedicated for residential uses at all times. The planning board may, based upon the projected neighborhood demand, increase or decrease the percentage of residential parking as part of the conditional use process.
6. f. When commercial uses are permitted in the ground floor of parking structures under this subsection (2) dance halls, entertainment establishments, neighborhood impact establishments, outdoor entertainment establishments or open-air entertainment establishments shall be prohibited uses in the garage structure.

In no instance shall the above described combined residential and/or commercial space exceed 25 percent of the total floor area of the structure, with the commercial space not exceeding ten percent of the total floor area of the structure, nor shall any accessory commercial space exceed 40 feet in depth. Additionally, in no instance shall the amount of floor area of the structure used for parking, exclusive of the required parking for the above described residential or commercial space, be less than 50 percent of the total floor area of the structure, so as to insure that the structure's main use is as a parking garage. Signage for commercial uses allowable under this provision are limited to one nonilluminated sign no greater than ten square feet in area per business.

SECTION 2. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by amending section 142-156 as follows:

Sec. 142-156. Setback requirements.

* * * *

(b) In the RM-1, residential district, all floors of a building containing parking spaces shall incorporate the following:

1. Residential uses at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.

2. Residential uses above the first level along every facade facing a waterway.

3. For properties 50 feet in width or less, the total amount of residential space at the first level along a street side shall be determined by the Design Review or Historic Preservation Board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be determined by the Design Review or Historic Preservation Board, as applicable, based upon their respective criteria.

~~the ground floor level of a building when viewed from shall be screened or enclosed. The method of screening or enclosure shall be approved under the design review process.~~

SECTION 3. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 3, "Residential Multifamily Districts", Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by adding new section 142-219 as follows:

Sec. 142-219. Regulations for new construction.

In the RM-2, residential district, all floors of a building containing parking spaces shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.

2. Residential uses above the first level along every facade facing a waterway.

3. For properties 50 feet in width or less, the total amount of residential space at the first level along a street side shall be determined by the Design Review or Historic Preservation Board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be determined by the Design Review or Historic Preservation Board, as applicable, based upon their respective criteria.

SECTION 4. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 3, "Residential Multifamily Districts", Subdivision V, "RM-3 Residential Multifamily High Intensity", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by adding new section 142-248 as follows:

Sec. 142-248. Additional regulations for new construction.

In the RM-3, residential district, all floors of a building containing parking spaces shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
2. Residential uses above the first level along every facade facing a waterway.
3. For properties 50 feet in width or less, the total amount of residential space at the first level along a street side shall be determined by the Design Review or Historic Preservation Board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential space shall be determined by the Design Review or Historic Preservation Board, as applicable, based upon their respective criteria.

SECTION 5. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 4, " CD-1 Commercial, Low Intensity District", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by adding new section 142-278 as follows:

Sec. 142-278. Additional regulations for new construction

In the CD-1 district, all floors of a building containing parking spaces shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
2. Residential or commercial uses above the first level along every facade facing a waterway.
3. For properties 50 feet in width or less, the total amount of commercial space at the first level along a street side shall be determined by the Design Review or Historic Preservation Board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable, based upon their respective criteria.

SECTION 6. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 5, " CD-2 Commercial, Medium Intensity District", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by adding new section 142-308 as follows:

Sec. 142-308. Additional regulations for new construction

In the CD-2 district, all floors of a building containing parking spaces shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway; for properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
2. Residential or commercial uses above the first level along every facade facing a waterway.
3. For properties 50 feet in width or less, the total amount of commercial space at the first level along a street side shall be determined by the Design Review or Historic Preservation Board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable, based upon their respective criteria.

SECTION 7. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 6, " CD-3 Commercial, High Intensity District", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by adding new section 142-339 as follows:

Sec. 142-339. Additional regulations for new construction.

In the CD-3 district, all floors of a building containing parking spaces shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway; for properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
2. Residential or commercial uses above the first level along every facade facing a waterway.
3. For properties 50 feet in width or less, the total amount of commercial space at the first level along a street side shall be determined by the Design Review or Historic Preservation Board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable, based upon their respective criteria.

SECTION 8. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 13, "MXE Mixed Use Entertainment District", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by adding new section 142-550 as follows:

Sec. 142-550. Additional regulations for new construction.

In the MXE district, all floors of a building containing parking spaces shall incorporate the following:

1. Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.

2. Residential or commercial uses above the first level along every facade facing a waterway.

3. For properties 50 feet in width or less, the total amount of residential or commercial space at the first level along a street side shall be determined by the Design Review or Historic Preservation Board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable, based upon their respective criteria.

SECTION 9. That Chapter 142, "Zoning Districts and Regulations", Article II, "District Regulations", Division 18, "Performance Standard District", of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended by amending section 142-695 as follows:

Section 142-695. Performance standard regulations generally.

(a) No building, structure or land shall be used or occupied except in conformance with the performance standards applicable to the use and subdistrict as set forth in the applicable table of performance standards. The purpose of the performance standards are:

- (1) To provide detailed regulations by means of minimum criteria which must be met by all uses in order to ensure development consistent with the goals and objectives of the comprehensive plan and the redevelopment plan;
- (2) To protect the integrity of the comprehensive plan and the redevelopment plan and the relationships between uses and densities that are essential to the viability of these plans and the redevelopment area; and
- (3) To promote and protect the public health, safety, and general welfare by requiring all development to be consistent with the land use, circulation and amenities components of the redevelopment element of the comprehensive plan and the capital improvements program for the area, as specified in the comprehensive plan.

(b) In the R-PS and RM-PS districts, all floors of a building containing parking spaces shall incorporate the following:

- (1) Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
- (2) Residential uses above the first level along every facade facing a waterway.
- (3) For properties 50 feet in width or less, the total amount of residential space at the first level along a street side shall be determined by the Design Review or Historic Preservation Board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable, based upon their respective criteria.

(c) In the C-PS districts, all floors of a building containing parking spaces shall incorporate the following:

- (1) Residential or commercial uses, as applicable, at the first level along every facade facing a street, sidewalk or waterway. For properties not having access to an alley, the required residential space shall accommodate entrance and exit drives.
- (2) Residential or commercial uses above the first level along every facade facing a waterway.
- (3) For properties 50 feet in width or less, the total amount of commercial space at the first level along a street side shall be determined by the Design Review or Historic Preservation Board, as applicable. All facades above the first level, facing a street or sidewalk, shall include a substantial portion of residential or commercial uses; the total amount of residential or commercial space shall be determined by the Design Review or Historic Preservation Board, as applicable, based upon their respective criteria.

SECTION 10. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 11. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 12. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 13. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.


PASSED AND ADOPTED this ____ day of _____, 2006.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

2-21-06

Date

First Reading: February 8, 2006
Second Reading: March 8, 2006

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language

2/21/2006

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**CITY OF MIAMI BEACH
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, March 8, 2006**, to consider the following:

10:15 a.m.

An Ordinance Merging The Retirement System For General Employees Of The City Of Miami Beach With The Retirement System For Unclassified Employees Of The City Of Miami Beach, Thereby Creating The Miami Beach Employees' Retirement Plan; Implementing Provisions Of The 2003-2006 Collective Bargaining Agreement Between The City And The Communications Workers Of America; Amending Provisions Of The Retirement Plan Applicable To Non-Bargaining Unit And Unclassified Employees; The Changes Will Later Apply To Members Of The American Federation Of County State And Municipal Employees (AFSCME) And Government Supervisors Association (GSA) Bargaining Units Subject To The Collective Bargaining Process And Upon Ratification Of An Agreement By Those Units; Providing For Severability; Repealing All Ordinances In Conflict Therewith

Inquiries may be directed to the Labor Relations Department at (305) 673-7009.

10:20 a.m.

An Ordinance Amending Miami Beach City Code Chapter 78, Article II Thereof, Entitled "Employee Benefit Plans"; Amending Section 78-81, Entitled "Group Health Insurance," And Section 78-82, Entitled "Health Maintenance Organization," To Require That Employees Make A One-Time Irrevocable Election To Continue Participating In The City Group Health Insurance Or Health Maintenance Organization Program Prior To Termination Of Employment To Be Eligible For Such Continued Participation; Providing That Employees Who Participate In The Defined Contribution Retirement System Must Have Ten Years Of Full-Time City Employment To Be Eligible For Retiree Health Benefits; Providing For Specified City Contributions Toward The Cost Of Retiree Health Coverage For Employees Hired On Or After The Effective Date Of This Ordinance; Providing Certain Exceptions; Repealing All Ordinances In Conflict Therewith.

Inquiries may be directed to the Labor Relations Department at (305) 673-7009.

10:25 a.m.

An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Group IV Classifications, Those Being The Classifications Covered By The Communications Workers Of America (CWA), Local 3178, In Accordance With The Negotiated Agreement; There Shall Be No Wage Increase For Fiscal Year 2003/2004; All CWA Bargaining Unit Employees Shall Be Paid, Prior To Any Other Wage Increase, A One-Time Lump Sum Payment Valued At Three Percent (3%) Of The Employee's Base Pay And His/Her Regular Pay Enhancements And The Overtime That The Employee Earned During Fiscal Year 2003/2004 (I.E. Based On The Employee's Extended Pay Plus Overtime, But Not To Include Any Sick Time Bonus Or Any Differentials Or Allowances); The Above Payment Shall Not Be Pensionable And Shall Not Increase The Employee's Base Pay, Nor Result In Any Adjustment To The Pay Ranges Contained In The Pay For Performance Plan; Effective In The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of Six Percent (6%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Six Percent (6%); The Three Percent (3%) One-Time Lump Sum Payment Referred To Earlier In This Paragraph Shall Not Be Included In The Calculation Of The Six Percent (6%) Cost Of Living Adjustment (COLA); Effective With The First Pay Period Ending In October Of 2005, There Shall Be An Across The Board Wage Increase Of Three And One Half Percent (3.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By Three And One Half Percent (3.5%); Amending The Salary Ranges Of The Classifications Specified In The Negotiated Agreement; Creating The Classifications Of Field Inspector I, Field Inspector II, Meter Analyst, Parking Dispatcher, Revenue Processor I And Revenue Processor II; Deleting The Titles Of Coin Room Money Handler, I.D. Technician I And I.D. Technician II; Deleting The Previous Format Of The CWA Section Of The Ordinance And Replacing It With The Current Format Of The Other Sections; Repealing All Ordinances In Conflict.

Inquiries may be directed to the Human Resources Department at (305) 673-7520.

10:30 a.m.

An Ordinance Amending Chapter 82 Of The City Code, Entitled "Public Property," By Amending Article VI Entitled "Naming Of Public Facilities And Establishments Of Monuments And Memorials," By Amending Section 82-501, Entitled "Generally", To Provide That The City Owned Building, Located At 2200 Liberty Avenue, Miami Beach, Florida, And Housing The Administrative Offices And Studio And Teaching Facilities Of The Miami City Ballet, Pursuant To The Lease Agreement Between The City, As Landlord, And Miami City Ballet, Inc. As Tenant, Shall Be Exempt From The Provisions Of Said Article VI, For So Long As Said City- Owned Building Is Leased To Miami City Ballet, Inc., A Not For Profit Corporation, And Used By The Ballet For The Aforestated Purposes And In Accordance With The Terms And Conditions Of The Lease Agreement.

Inquiries may be directed to the Finance Department at (305) 673-7466.

10:35 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article IV, "Supplementary District Regulations", Division 3, "Supplementary Use Regulations," By Adding Section 142-1110, Entitled "Mobile Storage Containers", To Regulate Storage Containers.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:40 a.m.

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Amending Chapter 82, "Public Property," Article II, "Sale Or Lease Of Public Property," Sections 82-36 Through 89-40, To Expand The Applicability Of The Ordinance To Include Vacations Of Easements, Alleys, Rights-Of-Way, Or Any Other Conveyance Or Reduction Of The City's Interest In Real Property; Providing For Inclusion In The Code Of The City Of Miami Beach, Florida.

Inquiries may be directed to the Planning Department at (305) 673-7550.

10:50 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 130, "Off Street Parking", Article III, "Design Standards", To Modify The Requirements For Commercial And Residential Uses In Front Of Certain Portions Of A Parking Garage; By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", By Amending Division 3, "Residential Multifamily Districts", Subdivision II, "RM-1 Residential Multifamily Low Intensity", Section 142-156 To Modify The Requirements For New Construction To Require Residential Uses In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Subdivision IV, "RM-2 Residential Multifamily Medium Intensity", Subdivision V, "RM-3 Residential Multifamily High Intensity", Division 4, "CD-1 Commercial, Low Intensity District", Division 5, "CD-2 Commercial, Medium Intensity District", Division 6, "CD-3 Commercial, High Intensity District", And Division 13, "MXE Mixed Use Entertainment District", To Add New Sections Specifying Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal; By Amending Division 18, "Performance Standard District", Section 142-695, To Add New Requirements For Residential Uses Or Commercial Space In Front Of Certain Portions Of A Parking Lot Or Pedestal.

Inquiries may be directed to the Planning Department at (305) 673-7550.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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Condensed Title:

Amendment pertaining to legalization of non-conforming setbacks and permitting encroachments into easement areas in the GC Golf Course District (La Gorce Golf Club).

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character.

Issue:

Should the City allow for non-conformities to become legal, establish rear setbacks for pools, decks and required rear yards; permitting decks and in-ground pools to encroach into the easement areas; and conveyed easement areas shall not be included in the determination of lot coverage and other development rights in the GC Golf Course District (La Gorce Golf Club).

Item Summary/Recommendation:

The proposed ordinance would allow nonconformities to be legalized, establish new setbacks for pools and decks and permit encroachments into the conveyed areas. The conveyed areas would not be included in the determination of development rights.

The Administration recommends that the Commission withdraw this item indefinitely until such time as the resolution of the current legal proceedings is achieved.

Advisory Board Recommendation:

At the March 29, 2005 meeting, a motion was made and approved by a vote of 4-1, to recommend approval of the ordinance with some modifications, which are reflected in the Planning Board version of the ordinance. A second motion was made and approved unanimously to recommend that should the Commission allow structures on the easement area, only in-ground pools/decks be allowed.

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

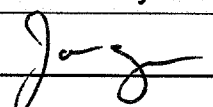
OBPI

Financial Impact Summary:
The proposed Ordinance is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

Jorge Gomez or Mercy Lamazares

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

FIRST READING

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY CREATING SECTION 142-109, "DEVELOPMENT REGULATIONS FOR SINGLE-FAMILY LOTS ABUTTING A GC GOLF COURSE DISTRICT," PROVIDING FOR LEGAL, NON-CONFORMING STATUS FOR EXISTING STRUCTURES, REAR SETBACKS AND ENCROACHMENTS INTO EASEMENT AREAS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Since the last time that this item was considered by the Commission, legal action has been initiated by the residents bordering the La Gorce Country Club. As such, we recommend that the Commission withdraw this item indefinitely until such time as the resolution of the current legal proceedings is achieved.

BACKGROUND

The La Gorce Golf Club had its property surveyed by professional surveyors to clarify and establish property boundaries; the survey revealed that some of the single-family homes and their accessory structures surrounding the golf course were encroaching into the golf course properties.

This issue was discussed at a Land Use and Development Committee (LUDC) on December 6, 2004 at which time a motion was approved to refer to the Planning Board amendments to the Land Development Regulations to permit the following for properties abutting the La Gorce Golf Course:

1. All structures presently existing on properties abutting the golf course would become legal nonconforming as to setbacks.
2. The setback on properties abutting the golf course would be amended as follows:
 - a. For pools, and decks, the setback becomes 0 feet.
 - b. For all other structures, the setback becomes 10 feet.

3. Awnings, canopies and decks may encroach into easement areas conveyed by the golf course to the abutting property owner.
4. Variances to #2 above would be allowed.
5. The conveyed easement areas shall not be used for purposes of determining lot coverage or other regulations not otherwise provided herein.
6. These regulations would apply to private golf courses existing as of the date of the ordinance.

The proposed ordinance also includes language where it is the property owner's responsibility to establish to the Building Official's satisfaction that the existing nonconforming structures meet applicable building codes; that the only permissible encroachments are decks and pools; and the conveyed easement by the golf club is not to be counted in lot coverage or other development rights.

ANALYSIS

The first reading of this ordinance was originally scheduled for the April 20, 2005 meeting of the City Commission; however, before this item was included in the agenda, the Public Works Director and the City Engineer raised a number of concerns regarding the location of utility easements and the access to the utilities when maintenance or repairs were necessary.

The distance between the existing utility easements around the golf course and the single-family homes is not constant; there are different variations on the east and west sides of the golf course. The distance of the 15-ft. utility easement on the east side of the golf course is approximately 20 feet from the property line separating the golf course and the single-family homes. On the west side, the utility easement runs 5 feet on either side of the property line separating the single-family homes and the golf course.

By a platted or granted easement, a utility owner has the right to that portion of the easement on a property for accessing, installing, maintaining, removing and/or replacing utilities in perpetuity.

The City of Miami Beach, as owner of utilities providing its residents with water supply and collection and disposal of sanitary and storm sewer, has the right to utilize non-exclusive easements on fee simple owned properties; to ingress and egress said premises at all times; to clear the land and keep it cleared of all trees, landscaping, undergrowth and other obstructions within the easement area; to remove any overhang projecting within the dedicated easement area which might interfere with the operation, construction or maintenance of facilities in that area .

The fee simple owner of the property does not have the right to improve or modify the easement area. Any structures, walls, decks, fences, landscaping or appurtenances existing within the easement area are considered encroachments unless specifically permitted by the City - only at-grade sodding is allowed in an easement area - and encroachments within the easement area must be removed by the owners at their

expense. A permit may be granted by the City for certain uses of the easement area by the fee simple property owner. These permitted uses may be limited to installing a light, removable fencing with foundations not exceeding six inches in depth, installing flexible irrigation pipes or installation of light removable patio fixtures. Such permitted uses will require a recorded restrictive covenant by the property owner for holding the City harmless in the removal of such appurtenances to access the utilities in the easement and the responsibility to restore the easement area at owner's expense.

The granting of an easement by the La Gorce Golf Course to the single-family property owners on the east side of the golf course would not encroach or cause a problem with the utility easement; however, this would not be the case for those properties on the west side of the golf course, perhaps creating inequity among single-family property owners.

The Planning Board Version of the ordinance proposes the following:

1. Buildings existing as of January 1, 2005 that do not conform to the current land development regulations may establish compliance with applicable building codes to the Building Official's satisfaction and become legal.
2. Rear setback requirements to be zero (0) feet from the fee-simple property line for pools and decks, with a minimum walk space at least 18 inches wide between the water's edge of the swimming pool and the rear property line.
3. Variances to rear setbacks to be permitted.
4. Only green space/landscaping and a fence/hedge would be allowed in the easement area conveyed by the GC golf course property owner.
5. The conveyed easement areas would not be included in the determination of lot coverage and other development rights, unless otherwise provided for in this section.

The Administration recommends that the ordinance not be adopted at all; however, if the City Commission believes an ordinance should be approved, a modified version of the Planning Board recommendation is recommended after the resolution of pending legal action. This modified version eliminates section (b), which corresponds to numbers 2 and 3 above. What this modification would do is to leave the rear setback requirements as they currently exist in the land development regulations, avoiding encroachments into the utility easements around the golf course and the single-family homes and would allow the City of Miami Beach, as owner of utilities providing the residents with water supply and collection and disposal of sanitary and storm sewer, ingress and egress as may be necessary for maintenance or repairs.

PLANNING BOARD ACTION

At the March 29, 2005 meeting, a motion was made and approved by a vote of 4-1, to recommend approval of the ordinance with some modifications, which are reflected in the Alternate version of the ordinance included herein.

A second motion was made and approved unanimously to recommend that should the Commission allow structures on the easement area, only in-ground pools/decks be allowed.

FISCAL IMPACT

This proposal has no associated negative fiscal impact upon enactment.

CONCLUSION

While the Administration continues to recommend that this proposed ordinance not be adopted, at this time it is recommended that it be deferred indefinitely until pending judicial proceedings have been resolved.

Pursuant to Section 118-164(3), when a request to amend the Land Development Regulations of the City Code does not change the actual list of permitted, conditional or prohibited uses in a zoning category, the proposed ordinance may be read by title or in full on at least two separate days and shall, at least ten days prior to adoption, be noticed once in a newspaper of general circulation in the city.

Immediately following the public hearing at the second reading, the City Commission may adopt the ordinance by an affirmative vote of five-sevenths of all members of the City Commission.

JMG/TH/JGG/ML

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY CREATING SECTION 142-108, "DEVELOPMENT REGULATIONS FOR SINGLE-FAMILY LOTS ABUTTING THE GC GOLF COURSE DISTRICT," PROVIDING FOR LEGAL, NON-CONFORMING STATUS FOR EXISTING STRUCTURES, REAR SETBACKS AND ENCROACHMENTS INTO EASEMENT AREAS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the La Gorce Golf Club had its property surveyed by professional surveyors to clarify and establish property boundaries; and

WHEREAS, the survey revealed that some of the single-family properties surrounding the golf course were encroaching into the golf course properties; and

WHEREAS, it is necessary to clarify and amend the existing regulations where appropriate, to provide for legal, non-conforming status for existing structures, rear setbacks and encroachments into easement areas.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," is hereby amended as follows:

Section. 142-108. Development regulations for single-family lots abutting the GC golf course district.

Notwithstanding other provisions of these land development regulations, when a single-family lot abuts the GC golf course district existing as of the date of the adoption of this ordinance, the following regulations shall apply:

- (a) All structures and buildings existing as of January 1, 2005, that the property owner establishes complies with applicable building codes to the Building Official's satisfaction, but do not conform to the land development regulations existing as of the adoption of this ordinance, shall become legal nonconforming as to these land development regulations.
- (b) The rear setback requirements are as follows:
 - i. Zero (0) feet for pools, decks, awnings and canopies;
 - ii. Ten (10) feet for all other structures; and
 - iii. Variances to these rear setbacks may be permitted.
- (c) Notwithstanding (b) above, where the property owner in the GC golf course district conveys an easement to an abutting single family lot's property owner allowing encroachments into a defined easement area in the GC property, the only permittable encroachments into the easement area are by the recipient of the easement and are limited to awnings, canopies and decks. Such permittable encroachments may extend into the respective rear RS and GC setback areas without obtaining a variance.
- (d) The conveyed easement areas shall not be included in the determination of lot coverage and other development rights, unless otherwise provided for in this section, shall not accrue from such easement conveyances.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2005.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:

Second Reading:

Underscore denotes new language

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY CREATING SECTION 142-109, "DEVELOPMENT REGULATIONS FOR SINGLE-FAMILY LOTS ABUTTING A GC GOLF COURSE DISTRICT," PROVIDING FOR LEGAL, NON-CONFORMING STATUS FOR EXISTING STRUCTURES, REAR SETBACKS AND ENCROACHMENTS INTO EASEMENT AREAS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the La Gorce Golf Club had its property surveyed by professional surveyors to clarify and establish property boundaries; and

WHEREAS, the survey revealed that some of the single-family properties surrounding the golf course were encroaching into the golf course properties; and

WHEREAS, it is necessary to clarify and amend the existing regulations where appropriate, to provide for legal, non-conforming status for existing structures, rear setbacks and encroachments into easement areas.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," is hereby amended as follows:

Section. 142-109. Development regulations for single-family lots abutting the GC golf course district.

Notwithstanding other provisions of these land development regulations, when a single-family lot abuts the GC golf course district existing as of the date of the adoption of this ordinance, the following regulations shall apply:

- (a) All structures and buildings existing as of January 1, 2005, that the property owner establishes complies with applicable building codes to the Building Official's satisfaction, but do not conform to the land development regulations existing as of the adoption of this ordinance, shall become legal nonconforming as to these land development regulations.
- (b) The rear setback requirements are as follows:
 - i. Zero (0) feet from the fee-simple property line for pools and decks, provided that a minimum walk space at least 18 inches wide shall be provided between the water's edge of the swimming pool and the rear property line, as required in Section 142-1133 of the City Code;
 - ii. Variances to rear setbacks may be permitted.
- (c) Notwithstanding (b) above, where the property owner in the GC golf course district conveys an easement to an abutting single family lot's property owner allowing encroachments into a defined easement area in the GC property, only green space/landscaping and a fence/hedge are allowed in the easement area.
- (d) The conveyed easement areas shall not be included in the determination of lot coverage and other development rights, unless otherwise provided for in this section.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this ____ day of _____, 2005.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:

Second Reading:

Underscore denotes new language

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

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ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 2, "RS-1, RS-2, RS-3, RS-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS," BY CREATING SECTION 142-109, "DEVELOPMENT REGULATIONS FOR SINGLE-FAMILY LOTS ABUTTING A GC GOLF COURSE DISTRICT," PROVIDING FOR LEGAL, NON-CONFORMING STATUS FOR EXISTING STRUCTURES, REAR SETBACKS AND ENCROACHMENTS INTO EASEMENT AREAS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the La Gorce Golf Club had its property surveyed by professional surveyors to clarify and establish property boundaries; and

WHEREAS, the survey revealed that some of the single-family properties surrounding the golf course were encroaching into the golf course properties; and

WHEREAS, it is necessary to clarify and amend the existing regulations where appropriate, to provide for legal, non-conforming status for existing structures, rear setbacks and encroachments into easement areas.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Chapter 142, "Zoning Districts and Regulations," Article II, "District Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," is hereby amended as follows:

Section. 142-109. Development regulations for single-family lots abutting the GC golf course district.

Notwithstanding other provisions of these land development regulations, when a single-family lot abuts the GC golf course district existing as of the date of the adoption of this ordinance, the following regulations shall apply:

- (a) All structures and buildings existing as of January 1, 2005, that the property owner establishes complies with applicable building codes to the Building

Official's satisfaction, but do not conform to the land development regulations existing as of the adoption of this ordinance, shall become legal nonconforming as to these land development regulations.

(b) The rear setback requirements are as follows:

i. Zero (0) feet from the fee-simple property line for pools and decks, provided that a minimum walk space at least 18 inches wide shall be provided between the water's edge of the swimming pool and the rear property line, as required in Section 142-1133 of the City Code;

ii. Variances to rear setbacks may be permitted.

(c) Notwithstanding (b) above, where the property owner in a GC golf course district conveys an easement to an abutting single family lot's property owner allowing encroachments into a defined easement area in the GC property, only green space/landscaping and a fence/hedge are allowed in the easement area.

(d) The conveyed easement areas shall not be included in the determination of lot coverage and other development rights, unless otherwise provided for in this section.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED and **ADOPTED** this _____ day of _____, 2005.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

City Attorney

Date

First Reading:
Second Reading:

Underscore denotes new language

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

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Condensed Title:

An Ordinance amending the City Code to adopt a Noise Ordinance.

Key Intended Outcome Supported:

Increase resident satisfaction with level of code enforcement.

Issue:

Shall the City Commission approve a Noise Ordinance on Second Reading?

Item Summary/Recommendation:

At the January 11, 2006 Commission Meeting, the Mayor and City Commissioners considered the Second Reading of a Noise Ordinance for the City. The Mayor and City Commission deferred a formal vote on the Second Reading until the March 8, 2006 City Commission Meeting, to allow interested parties an opportunity to review and understand the Noise Ordinance more fully.

One policy point which the Mayor and City Commission should appropriately address in the attached Noise Ordinance is the time period for resetting violations. The concept of a thirty six month fixed period is offered for City Commission consideration and has not yet been voted upon by members of the City Commission as appropriate to include in the Noise Ordinance. While the Commissioners upon reflection or as a result of testimony at the Public Hearing may determine that other provisions should be altered or further refined, most of the other policy points have to date been the subject of City Commission discussion and in most instances a specific vote to express the wishes of City Commission for inclusion in the Noise Ordinance.

Advisory Board Recommendation:

N/A

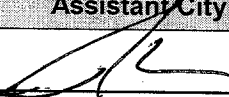
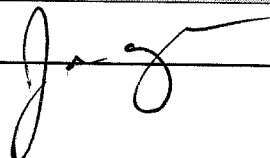
Financial Information:

Source of Funds:			
	Amount	Account	Approved
	1		
	2		
OBPI	Total		

Financial Impact Summary:**City Clerk's Office Legislative Tracking:**

Robert C. Middaugh

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

**SECOND READING
PUBLIC HEARING**

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-151, ENTITLED "DEFINITIONS," TO PROVIDE NEW TERMS AND DEFINITIONS AND DELETING CERTAIN TERMS AND DEFINITIONS; AMENDING SECTION 46-152, ENTITLED "UNREASONABLY LOUD NOISE PROHIBITED," BY AMENDING THE TITLE AND ADOPTING SECTION 21-28 OF THE CODE OF MIAMI-DADE COUNTY BY REFERENCE; AMENDING SECTION 46-153, ENTITLED "RESPONSIBILITY FOR COMPLIANCE," BY AMENDING THE PROVISIONS THEREOF; REPEALING SECTION 46-154, ENTITLED "NOISE LEVEL IN SPECIFIC AREA"; REPEALING SECTION 46-155, ENTITLED "ADDITIONAL SOUND LIMITATIONS FOR PUBLIC PROPERTY"; AMENDING SECTION 46-156, ENTITLED "TEMPORARY PERMITS," BY EXPANDING THE PROHIBITED AREAS FOR CONSTRUCTION NOISE TO WITHIN 300 FEET OF CERTAIN DISTRICTS AND AMENDING THE EXEMPTIONS FOR SPECIAL EVENTS AND FILM PERMITS; AMENDING SECTION 46-157, ENTITLED "EXEMPTIONS," AND BY DELETING SUBSECTION (11) AND AMENDING THE PROVISIONS THEREOF; AMENDING SECTION 46-158, ENTITLED "ENFORCEMENT BY CODE INSPECTORS; NOTICE OF VIOLATION," BY AMENDING THE PROCEDURES FOR ENFORCEMENT AND WARNINGS; AMENDING SECTION 46-159, ENTITLED "CIVIL FINES FOR VIOLATION; APPEALS," BY AMENDING THE FINES AND PENALTIES FOR VIOLATIONS, THE APPEAL PROCEDURES, AND THE ALTERNATE MEANS OF ENFORCEMENT; AMENDING AND RENUMBERING SECTION 46-160, ENTITLED "NUISANCE," AS SECTION 46-161, AND RENAMING SECTION 46-160 AS "RELIEF FROM VIOLATIONS FOR SOUND SYSTEMS AND COMPLIANCE" AND CREATING PROVISIONS THEREFOR; AMENDING AND RENUMBERING SECTION 46-161, ENTITLED "MOTOR VEHICLE ALARMS," AS SECTION 46-162 WHICH IS HEREBY CREATED; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

Approve the Noise Ordinance on Second Reading.

BACKGROUND

At the January 11, 2006 Commission Meeting, the Mayor and City Commissioners considered the Second Reading of a Noise Ordinance. The Mayor and City Commission deferred a formal vote on the Second Reading until the March 8, 2006 City Commission Meeting, to allow interested parties an opportunity to review and understand the Noise Ordinance more fully.

While a vote on the Second Reading of the entire Noise Ordinance was deferred at the January 11th meeting, the Commission did provide policy direction to be included in the Noise Ordinance that is to be considered at the March 8, 2006 City Commission Meeting.

A January 11th City Commission discussion on the Noise Ordinance Second Reading provided for both clarifications to the existing Ordinance and a few amendments that require new language to be presented to the City Commission at the March 8, 2006 meeting for consideration (A copy of January 11, 2006 After Action Report is attached). The two areas of Ordinance direction are treated separately in the following sections.

Commission Clarifications on Issues Presented at the January 11, 2006 Meeting and Not Resulting in New Language.

- Noise Engineer – The Commission confirmed that a section of the Noise Ordinance providing for the review of a property by a qualified Noise Engineer to determine how to mitigate noise issues should be deleted.
- The Commission confirmed that language in Section 46-158 (b) (2) b identifying the City Manager as the individual to annually designate major event periods for which a written noise warning will be made available should be retained.
- The Commission confirmed that the issuance of an oral warning to violators of the Noise Ordinance is discretionary when no complaint has been made. The Ordinance uses the words “may issue” such warning rather than “shall issue” such warning.
- The City Commission clarified and confirmed that warnings as defined in Section 46-158 are limited to one oral warning and/or one written warning per day within the prescribed limits.

Commission Direction or Action at the January 11, 2006 Meeting Resulting in Language Changes to the Noise Ordinance.

- The definition of one day has been added into Section 46-151 and is now defined as the 24 hour period from noon until noon.
- Section 46-157 (11) was amended to delete the words lateral and adjacent in reference to live amplified sound projecting to the east of a property.
- Language has been added to Section 46-158 (b) (2) b to indicate that major event period written warnings are only available to the extent at least one written warning remains available to the subject property.

- Language has been added to several sections to make provisions for warnings to be used and available in a rolling twelve month period. The language provides that six warnings are available in the twelve month period preceding the date of the violation. Language changes to implement this rolling 12 months period for warnings are found in Section 46-158 (b) (2) a and in the last paragraph of 46-158 (b).
- In the January 11, 2006 Commission consideration and discussion, the time period to reset the number of violations and warnings was discussed without distinction between the two types of action. After analysis of how the rolling period would impact the cumulative affect of warnings and violations, it was apparent that an unintended adverse impact could result. If the Noise enforcement process is applied only with a 12 month rolling period to reset the number of warnings and violations, only a flagrant offender of the Noise Ordinance would advance through the violation schedule to the point of significant fine and/or suspensions. It is suggested that the Commission consider a fixed period of time for violations before resetting the number received to help mitigate or offset this impact. A fixed time of 36 months for the reset of violations would extend the time for violation accountability that with a rolling 12 month reset for warnings would not adversely impact businesses. Thirty six months is suggested as the reset time for violations and is incorporated into the draft Ordinance for City Commission consideration.

In the event that a different number of months or a fixed period or the same treatment that is a rolling twelve month period is desired for both warnings and violations, that language can be amended by the Commission as part of the approval motion for an Ordinance.

Pursuant to the last City Commission discussion in January, an advance copy of the draft Noise Ordinance has been provided to interested parties and several meetings have been conducted to address questions on the Ordinance in advance of the Commission meeting. Meetings with the Nightlife Task Force, residents that the Administration is aware have expressed some concern relative to the Ordinance and a meeting with the original stakeholder representatives of the residents, hotels and nightlife industry have all been conducted.

In undertaking these meetings in advance of the City Commission meeting, the Administration has made an effort to address questions and background information specific to the draft presented for City Commission review. The Administration has not attempted to renegotiate or restructure items or language within the Ordinance on the basis of concerns expressed at the meetings.

It is fair to report to members of the City Commission that there is a serious level of concern that was expressed and was represented to the Administration would be expressed to the City Commission directly regarding the Noise Ordinance as it has evolved. A concern of the residents in meetings was that the Ordinance was unbalanced in favor of Noise violators and did not adequately protect resident quality of life.

In the January 11, 2006 Commission discussion, a question was raised about the status of an existing section of the Code. The current Code contains Section 46-160, Nuisance, and as it is not being amended, it is carried forward in the Noise Ordinance together with the amendments embodied in the attached Ordinance. A copy of Section 46-160 is included for Commission reference.

CONCLUSION

One policy point which the Mayor and City Commission should appropriately address in the attached Noise Ordinance is the time period for resetting violations. The concept of a thirty six month fixed period is offered for City Commission consideration and has not yet been voted upon by members of the City Commission as appropriate to include in the Noise Ordinance. While the Commissioners upon reflection or as a result of testimony at the Public Hearing may determine that other provisions should be altered or further refined, most of the other policy points have to date been the subject of City Commission discussion and in most instances a specific vote to express the wishes of City Commission for inclusion in the Noise Ordinance.

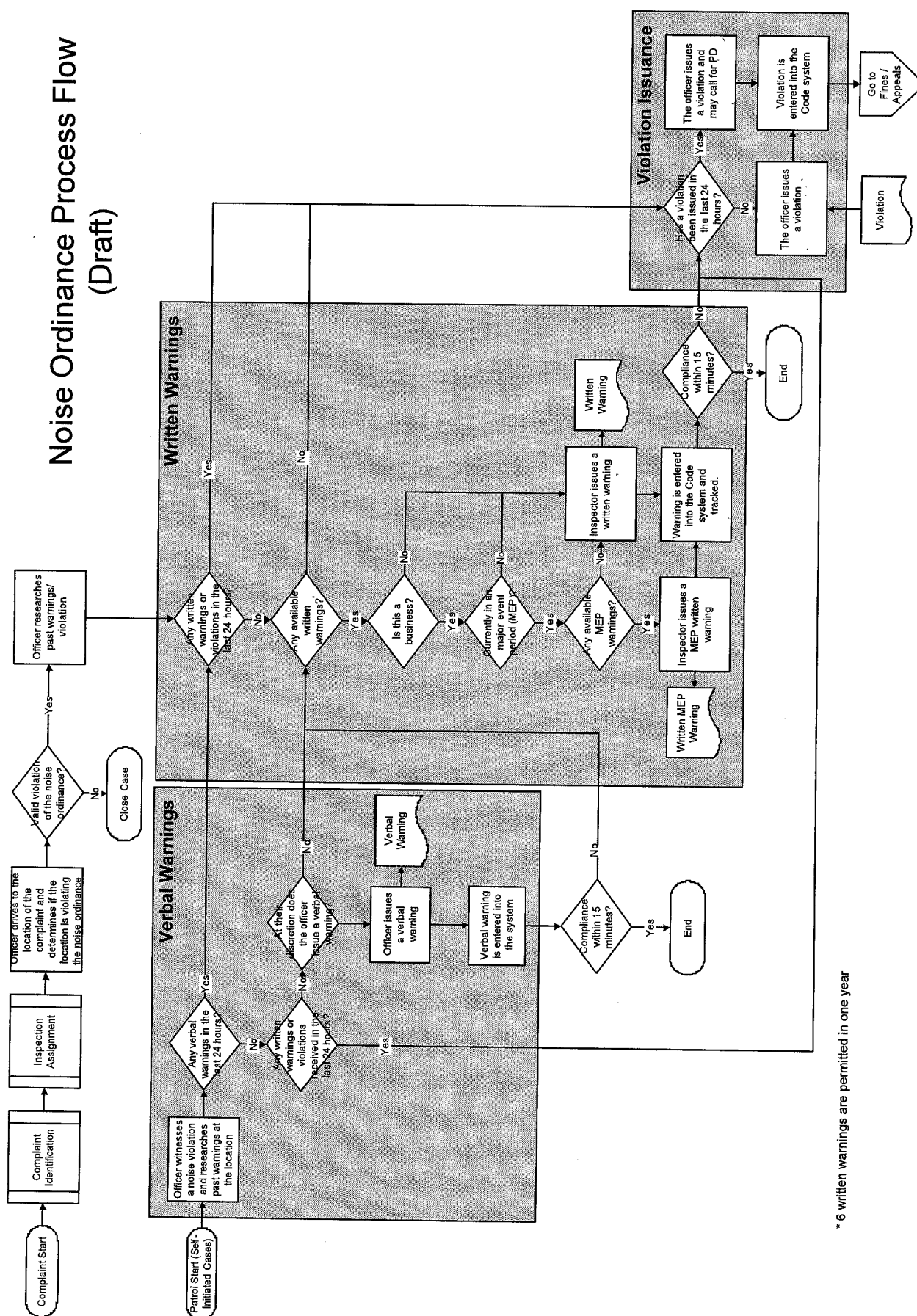
Also included for the City Commission background and assistance in understanding the Noise Ordinance enforcement process is a flow diagram that illustrates the different decision points and options available within the draft Noise Ordinance. As the process flow diagram clearly illustrates, the process that has evolved in the Noise Ordinance is one which has a fair degree of complexity and is atypical of other Ordinance enforcement processes which the City pursues. While it will be difficult to deal with the complexity of the Noise Ordinance as it is currently presented, so long as additional complexity is not added to the process the Administration will find a way to manage the process and the work flow.

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Attachment

Noise Ordinance Process Flow



* 6 written warnings are permitted in one year

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January 11, 2006 Commission Meeting / REGULAR AGENDA / R5 - Ordinances

10:37:31 a.m.

5:06:52 p.m.

5:48:45 p.m.

R5D An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-151, Entitled "Definitions," To Provide New Terms And Definitions And Deleting Certain Terms And Definitions; Amending Section 46-152, Entitled "Unreasonably Loud Noise Prohibited," By Amending The Title And Adopting Section 21 - 28 Of The Code Of Miami-Dade County By Reference; Amending Section 46-153, Entitled "Responsibility For Compliance," By Amending The Provisions Thereof; Repealing Section 46-154, Entitled "Noise Level In Specific Area"; Repealing Section 46-155, Entitled "Additional Sound Limitations For Public Property"; Amending Section 46-156, Entitled "Temporary Permits," By Expanding The Prohibited Areas For Construction Noise To Within 300 Feet Of Certain Districts And Amending The Exemptions For Special Events And Film Permits; Amending Section 46-157, Entitled "Exemptions," And By Deleting Subsection (11) And Amending The Provisions Thereof; Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation," By Amending The Procedures For Enforcement And Warnings; Amending Section 46-159, Entitled "Civil Fines For Violation; Appeals," By Amending The Fines And Penalties For Violations, The Appeal Procedures, And The Alternate Means Of Enforcement; Amending And Renumbering Section 46-160, Entitled "Nuisance," As Section 46-161, And Renaming Section 46-160 As "Relief From Violations For Sound Systems And Compliance" And Creating Provisions Therefore; Amending And Renumbering Section 46-161, Entitled "Motor Vehicle Alarms" As Section 46-162 Which Is Hereby Created; Providing For Codification, Repealer, Severability, And An Effective Date. **5:01 p.m. Second Reading,**

Public Hearing.

(City Manager's Office)

(First Reading on December 7, 2005)

ACTION: Discussion held. Public Hearing opened and continued to March 8, 2006 at 5:01 p.m. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 7-0. Robert Middaugh to handle.

10:37:51 a.m.

Kent Harrison Robbins, Esq., representing various condominium associations, requested a deferral of this item due to concerns of changes, deletions and language added to the ordinance that were not approved by the City Commission and without public discussion.

Motion made by Commissioner Gross to give notice of intent to defer the ordinance at the 5:01 p.m. public hearing to a future meeting as requested by Kent Harrison Robbins; seconded by Commissioner Bower. Discussion continued and no vote taken.

Harold Rosen, Esq., objected to the deferral and stated that since the ordinance is advertised

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for 5:01 p.m., those who are planning to attend should be allowed to speak at that time.

Commissioner Garcia stated that the public hearing was advertised and should be heard at 5:01 p.m.

Discussion continued.

Commissioner Bower stated that if there was an administrative drafting error where a paragraph was left out, she is in favor of deferring this item at 5:01 p.m. so the City Attorney can review the entire ordinance.

Motion made by Vice-Mayor Steinberg to table the item until 5:01 p.m.; no second offered and the discussion continued.

Mayor Dermer asked the City Attorney if the ordinance is ready to be voted upon as it stands today.

Murray Dubbin, City Attorney, stated that the document in front of the City Commission is not ready, as is, to be voted on.

Discussion continued.

Jorge Gonzalez, City Manager, asked that if the item is coming back at 5:01 p.m., can the Commission request that staff, Mr. Robbins, Mr. Blumberg, and Mr. Polisar go through the four errors which Mr. Robbins identified in the ordinance.

Murray Dubbin, City Attorney, stated that as late as yesterday afternoon the Legal staff and the Administration were working on ordinance language and there are issues that are not totally clear and require direction from the City Commission. He stated that at this time there is a motion on a notice of intent to defer the public hearing at 5:01 p.m. to a future meeting and suggested having both parties available to discuss everyone's concerns and give the Legal Department and the Administration the direction needed to clarify this ordinance.

Motion made by Commissioner Gross of a notice of intent to open and continue the public hearing at 5:01 p.m. to a future meeting, but have the parties discuss their concerns and have the Commission give the direction to the Legal Department and the Administration; seconded by Commissioner Bower; Voice-vote: 7-0.

Mayor Dermer asked Mr. Robbins and Mr. Rosen if they could notify some of the representatives so they know what the intent is.

5:06:47 p.m.

Mayor Dermer explained the reasons for the continuance and stated that discussion will take

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place but the second reading of the ordinance will not take place today.

Stu Blumberg, President of the Greater Miami Hotel & Restaurant Association, asked if this item is being deferred because of missing language or are there substantive changes to what was approved on first reading.

Murray Dubbin, City Attorney, explained that there were questions raised regarding the use of "may" instead of "shall" and a section of the ordinance that cannot be understood and conflicts with another section of the ordinance. He did not know if there are any philosophical disagreements. One of the purposes of the meeting today is to give direction to the Legal Department and the Administration.

Stu Blumberg, President of the Greater Miami Hotel & Restaurant Association, expressed being in favor of the deferral as long as the substance of the final ordinance does not change.

Commissioner Libbin suggested discussing the issues today to clarify the City Commission's intent so the Legal Department and the Administration are clear.

Henry Stolar spoke.

Mayor Dermer and Commissioner Bower asked if the ordinance is ready to be voted on today.

Murray Dubbin, City Attorney, stated that Mr. Robbins raised the question as to the absence of language authorizing the bringing of a nuisance suit. He stated that the language was not omitted and that the language in question is already part of the City Code. Secondly, in Agenda Review questions were raised as to the language on Page 332, under the warning section, (b)(1), second line reads: the inspector "may" first issue an oral courtesy warning. The question was raised as to whether the word "may" should have been "shall." He requested direction on this issue and stated that there are other items that need direction.

Mayor Dermer explained that a hearing will be held today but there will not be a final vote on the ordinance today.

Jorge Gonzalez, City Manager, stated that he doesn't know what Mr. Robbins' issues are but he has three issues which need to be addressed.

This item was deferred to later in the meeting to hear Agenda Item C7D.

5:48:45 p.m.

Mayor Dermer stated that there will not be a vote on the ordinance at this meeting. The purpose of this hearing is to try to make sure the sentiment of the Commission is properly incorporated into the ordinance.

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Jorge Gonzalez, City Manager, stated that the ordinance labeled Alternative A on page 322 of the Agenda is the ordinance being discussed. He also stated that the ordinance is inappropriately titled as Noise Engineer Provision Deleted, when in fact the noise engineer is included.

Question No. 1:

Even though the Commission voted to delete the noise engineer provision, some Commissioners asked to revisit the topic. The Administration needs direction on whether the provision should or should not be included in the ordinance.

Commissioner Gross recommended not having a noise engineer provision. He stated that businesses need to be told to do whatever is necessary to control the noise.

Commissioner Libbin suggested a counter proposal to allow for a sound engineer only once, but not after the second written warning (before the third warning). After the second warning the business should realize they have a problem which needs to be corrected.

Jorge Gonzalez, City Manager, clarified that the noise engineer is an option up to the third warning.

Discussion continued.

Commissioner Gross stated that he would support three warnings in a residential neighborhood; seconded by Commissioner Bower; Voice vote: 3-4; Opposed: Vice-Mayor Steinberg and Commissioners Cruz, Garcia and Libbin. Motion failed.

Discussion continued.

Commissioner Gross proposed four warnings in a residential neighborhood; seconded by Commissioner Bower; Voice vote: 3-4; Opposed: Vice-Mayor Steinberg and Commissioners Cruz, Garcia and Libbin. Motion failed.

Commissioner Libbin suggested five warnings.

Motion made by Commissioner Gross not to have the noise engineer option; seconded by Commissioner Bower; Voice vote: 5-2; Opposed: Vice-Mayor Steinberg and Commissioner Garcia.

Jorge Gonzalez, City Manager, stated that the noise engineer section will be deleted.

Question No. 2:

Jorge Gonzalez, City Manager, reviewed the language on page 332 of the Agenda, regarding oral courtesy warnings; "...without a complaint having been made, the inspector may first issue

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an oral courtesy warning...." Commission direction is needed to address whether the intent was to be "may" or "shall." He advised using "may" because it gives the code officer the discretion necessary to exercise due diligence.

Mayor Dermer asked if anyone objected to "may" instead of "shall."

Commissioner Libbin stated that at the last meeting it was stated that the Commission wanted the code compliance officer to be directed by the Administration to issue the oral warning if there was no complaint, however, the "may" should be used when the noise is obviously excessive and/or blatant that the code compliance officer should issue a written warning.

Mayor Dermer stated that the word "may" will be used without objection.

Jorge Gonzalez, City Manager, stated that if the noise is blatant or frequent the code officer will have the ability to issue immediately a violation or a written warning. Also the courtesy notices will only be issued once per day, per location, as are the written warnings.

Commissioner Libbin stated that the City is looking for compliance.

Question No. 3

Jorge Gonzalez, City Manager, stated that there is an issue with treatment of noise to the east. From an Administrative perspective, in the first Commission vote, there were certain limitations along the eastern boundary of the City that would have noise to the east not regarded as unnecessarily loud and others that would not have noise to the east regarded as unnecessarily loud. The recommendation from the Legal Department is that enforcement needs to be consistent for the entire City. As long as there is no building to the east of an establishment, facing the water, the ordinance will be enforced to the east as if noise is considered not to be a violation of the ordinance.

Commissioner Bower gave the example of events which are held in Lummus Park and asked how noise will be enforced to the east. She also asked for clarification on what does it mean that noise will not be measured to the east.

Commissioner Gross stated that the noise will still be regulated to the north, south or the west.

Commissioner Bower also stated that sometimes events are held on the beach and language should be added to the ordinance to be able to regulate noise to the east during special events. She also asked how the City can enact an ordinance which is less stringent, by excluding the regulation of noise to the east amendment, than the Miami-Dade County Ordinance.

Murray Dubbin, City Attorney, explained that the enforcement of the Miami-Dade County Code, as far as noise violations are concerned, falls under the general provisions of the County Code in that it shall prevail over less stringent provisions of municipal ordinances, and the County

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Code basically sets minimum standards. Commissioner Bower is concerned that by eliminating the regulation to the east of the noise making facilities that is creating a less stringent provision and may be trumped by the County Code. However, the Legal Department is proceeding on the assumption that the City Commission is making a finding that the noise to the east, where no buildings are to the east, is acceptable. The Legal Department feels that if there is an attack on this ordinance, it can be successfully defended.

Commissioner Gross, regarding section 46-157(11), page 331 in the Agenda, has a problem with the language "on the adjacent property" because the sound will flair out at an angle. He is concerned that any loud noise may be heard from property which is not the adjacent property. He stated that the building does not have to be adjacent and suggested removing the word "adjacent" and also the words "any lateral property."

Murray Dubbin, City Attorney, stated that the word "adjacent" be replaced with "on any property to the east."

Commissioner Gross stated that in that same paragraph the words, "and any lateral property" also needs to be stricken. He stated that he would get with Legal to work out the language.

Discussion continued.

Jorge Gonzalez, City Manager, stated that the ordinance will be amended to include language that if noise can be heard from any building to the east it is a violation. He also asked about an exception for special events held in Lummus Park which Commissioner Bower raised.

Commissioner Bower stated that Art Deco Weekend is loud as was the Luciano Pavarotti Concert. She is more concerned about the quieter events, but this will be worked out.

Kent Harrison Robbins, Esq., stated that his concerns are the written warnings and the major event periods. He stated that language was inserted specifying that the major event periods in which there could be additional warning, over and above the six, for those event periods as designated annually by the City Manager. He stated that the language "by the City Manager" was inserted subsequent to the last hearing.

Jorge Gonzalez, City Manager, stated that for major events, this has always been the case.

Mayor Dermer stated that without objection it is the intent of the City Commission that the City Manager or his designee is the designated official to specify major events periods for noise warning purposes.

Kent Harrison Robbins, Esq., stated that language was deleted regarding the determination of when an inspector shall not issue a warning and instead issue a notice of violation. He stated

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that the third criteria was "at any time during one year is guilty of a violation," they lose the right to additional warnings.

Jorge Gonzalez, City Manager, stated that direction was given by the City Commission that if all of the warnings were not used up and a violation is issued, the remainder of the warnings can still be used.

Discussion continued.

Stu Blumberg, President of the Greater Miami Hotel & Restaurant Association, spoke.

David Wallack, owner of Mango's Tropical Café, spoke.

Commissioner Bower stated that the residents need to know how to make a noise complaint. She suggested that the ordinance contain language explaining who and where to complaint and there should be a direct line for residents to call.

Stu Blumberg, President of the Greater Miami Hotel & Restaurant Association, spoke.

Steve Polisar, Chairman of the Nightlife Task Force, spoke.

Kent Harrison Robbins, Esq. stated that the 46-158(b) (2) ".....Failure to correct the violation within fifteen minutes following the issuance of a warning, shall result in the issuance of a notice of violations pursuant to this Article." is not clear. He asked if this is a written warning or an oral warning.

Commissioner Bower requested clarification and asked if a courtesy notice, a warning, and a violation can be issued, on the same day. On a different day they start with a warning again, and get a violation. She also asked if a courtesy warning is given, does it have to be written to track it. If it is not written down, what proof is there that a courtesy notice was issued?

Vice-Mayor Steinberg stated that since the Commission already voted in the warnings section to leave the "may" versus "shall", it is not relevant. The fact that someone goes before the Special Master and states that they never received a courtesy warning is irrelevant because the ordinance states that the inspector "may" issue an oral courtesy notice.

David Wallack, owner of Mango's Tropical Café, spoke.

Commissioner Libbin suggested changing the language in 46-158(b) (2) to "...within fifteen minutes following the issuances of a written warning, shall ...". Add the word written.

Jorge Gonzalez, City Manager, clarified the action, there may be courtesy warnings that are not written, non-complaint driven, if within 15 minutes compliance is not achieved, the inspector will

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write a written warning, and if within 15 minutes of the written warning there is not compliance a violation will be issued within a day period. There will be one warning per day issued and one courtesy per day.

Commissioner Bower again asked for clarification. If a warning is given, and the first violation is given because of lack of compliance and one hour later the violation still exists, another violation is written.

Kent Robbins, Esq., suggested that instead of "per day" it should be "within a 24 hour period."

Jorge Gonzalez, City Manager, requested that it stay "per day."

Commissioner Bower stated that the "per day" is not fair.

Mayor Dermer stated that there was agreement to change the "per day" to "within 24 hour period."

Commissioner Cruz asked what the ruling is for special events.

There was a discussion regarding how special events will be handled regarding the noise ordinance.

Commissioner Gross stated that what could be done is if the number of warnings has been exhausted, during the remainder of the year, you don't get any warnings during the major event period. This was agreed to by consensus.

Jorge Gonzalez, City Manager, stated that he wanted to make it clear that those violations count against the escalating fee schedule.

Vice-Mayor Steinberg stated that he believes the sentiment of the majority was that one-freebee per special events period would be given; however, if the six warnings have already been exhausted you don't get the freebee. He also stated that every major event is not a noise generator and every major event is not citywide. In addition, on page 332 in the Agenda (46-158(b)(2)(a), the one year period needs to be clarified. It was not intended to be a calendar year.

Vice-Mayor Steinberg also requested clarification of when the violations reset.

Jorge Gonzalez, City Manager, stated that the question is whether the reset should be on a rolling twelve month period or a fixed twelve month period. The ordinance today resets to zero in twelve months from the first warning.

Commissioner Bower stated that it must be a rolling twelve months.

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David Wallack, owner of Mango's Tropical Café, objected to the rolling twelve months.

Jorge Gonzalez, City Manager, stated that as a possible compromise that only the warnings can be reset. There needs to be six warnings before the first violation. If the offender is flagrant enough to get into the violation schedule, then maybe the violations should not be reset.

Commissioner Libbin stated that the whole purpose of the ordinance is to achieve compliance. The idea was that the fines are fairly significant after the first couple of violations and shutting down the outdoor music for a weekend or two, is a significant penalty. He stated that the reset time should be based on one year from the first warning.

Kent Robbins, Esq., stated that this is the central issue of this legislation.

Stu Blumberg, President of the Greater Miami Hotel & Restaurant Association, asked for a one year trial to determine what is good or bad with the ordinance.

Motion made by Vice-Mayor Steinberg to reset warnings and violations on a rolling twelve month period; seconded by Commissioner Bower; Voice vote: 6-1; Opposed: Commissioner Libbin.

Jorge Gonzalez, City Manager, stated that one always measures from the oldest warning and a violation is dropped.

Discussion continued.

Commissioner Garcia stated that the reset would be handled similar to the way driver license violation points are removed.

Commissioner Bower requested that sufficient time be given so everyone will have enough time to review the final draft of the ordinance.

Frank Del Vecchio spoke.

Motion made by Commissioner Gross to exempt the residential zone below 5th Street from the condition that noise to the east is not unnecessarily loud; seconded by Commissioner Bower; Voice vote: 3-4; Opposed: Vice-Mayor Steinberg and Commissioners Cruz, Garcia and Libbin. Motion failed.

Jorge Gonzalez, City Manager, stated that as of yesterday the legal opinion was that sections of the City cannot be segregated; it must be for the entire beach.

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Murray Dubbin, City Attorney, stated that Legal Department's issue is equal protection.

Benita Argos spoke.

Evelyn Dominique spoke.

Judy Claton spoke.

Christine LaBuzetta spoke.

Henry Stolar spoke.

Marco Lara spoke.

Harry Cherry spoke.

Commissioner Bower asked about when a violator is ready to go to the Special Master, if the year rolls over, will the violator, because of timing, still have to go to the Special Master process.

Jorge Gonzalez, City Manager, stated that the rolling warnings are okay to do. It will be hard to get the violations rolling because they escalate. The 5th violation is a different penalty than the 4th violation. To drop the first one and make the 5th violation the 4th is a problem. He suggested making the warnings rolling, but make the violations reset after maybe 36 months.

Morris Sunshine spoke. He stated that since the City Attorney's Office has opined that eastbound noise and immunization against it is lawful he wants to be on the record of objecting. It is not unlawful and it is not exempt. He stated that in the last sentence of 46-157(11) instead of "generated" perhaps it should be "received." He also stated that this ordinance allowing east bound noise may seriously interfere with the Planning Board's right to regulate excessive noise by means of conditional use permits.

Commissioner Bower asked the Legal Department to research. Legal Department to handle.

Richard Harris spoke.

Brad Stevens stated that on New Year's there was suppose to be police presence on two of the intersections that surround the Opium area; however, there was no police patrolling the area. He added that Sunday nights are horrible and explained that especially going from Nikki Beach Club over to Opium is the worst. He stated that police presence is needed. **Chief De Lucca to handle.**

Commissioner Cruz stated that this area has been a concern and that they will talk to Chief De Lucca.

Commissioner Bower requested adding language in the ordinance to assist residents on how to file a noise complaint. **Robert Middaugh to handle.**

Prepared by the City Clerk's Office

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Jorge Gonzalez, City Manager, stated that language will be added to facilitate this.

The second reading and public hearing is scheduled for March 8, 2006 at 5:01 p.m.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. 17-page memo from Frank Del Vecchio to City Commission dated Jan. 11, 2006 RE: Jan 11, 2006 Commission Agenda Item R5D: Noise Ordinance: Legally-relevant issues and departures from Dec. 7, 2005 initial city commission vote.

Sec. 46-160. Nuisance.

Any violation of this article shall constitute a nuisance. The city attorney may bring suit on behalf of the city, or any affected citizen may bring suit in his name, against the person or persons causing or maintaining the violation, and against the owner/agent of the building or property on which the violation exists. Relief may be granted according to the terms and conditions of F.S. § 60.05, relating to abatement of nuisances, or pursuant to section 46-159. In any such action, the city or affected citizen, if the prevailing party, shall be awarded costs, including reasonable attorney's fees.

(Ord. No. 95-2982, § 2(24-9), 3-22-95)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE CITY CODE, ENTITLED "ENVIRONMENT," BY AMENDING ARTICLE IV, ENTITLED "NOISE," BY AMENDING SECTION 46-151, ENTITLED "DEFINITIONS," TO PROVIDE NEW TERMS AND DEFINITIONS AND DELETING CERTAIN TERMS AND DEFINITIONS; AMENDING SECTION 46-152, ENTITLED "UNREASONABLY LOUD NOISE PROHIBITED," BY AMENDING THE TITLE AND ADOPTING SECTION 21 - 28 OF THE CODE OF MIAMI-DADE COUNTY BY REFERENCE; AMENDING SECTION 46-153, ENTITLED "RESPONSIBILITY FOR COMPLIANCE," BY AMENDING THE PROVISIONS THEREOF; REPEALING SECTION 46-154, ENTITLED "NOISE LEVEL IN SPECIFIC AREA"; REPEALING SECTION 46-155, ENTITLED "ADDITIONAL SOUND LIMITATIONS FOR PUBLIC PROPERTY"; AMENDING SECTION 46-156, ENTITLED "TEMPORARY PERMITS," BY EXPANDING THE PROHIBITED AREAS FOR CONSTRUCTION NOISE TO WITHIN 300 FEET OF CERTAIN DISTRICTS AND AMENDING THE EXEMPTIONS FOR SPECIAL EVENTS AND FILM PERMITS; AMENDING SECTION 46-157, ENTITLED "EXEMPTIONS," AND BY DELETING SUBSECTION (11) AND AMENDING THE PROVISIONS THEREOF; AMENDING SECTION 46-158, ENTITLED "ENFORCEMENT BY CODE INSPECTORS; NOTICE OF VIOLATION," BY AMENDING THE PROCEDURES FOR ENFORCEMENT AND WARNINGS; AMENDING SECTION 46-159, ENTITLED "CIVIL FINES FOR VIOLATION; APPEALS," BY AMENDING THE FINES AND PENALTIES FOR VIOLATIONS, THE APPEAL PROCEDURES, AND THE ALTERNATE MEANS OF ENFORCEMENT; AMENDING SECTION 46-161, ENTITLED "MOTOR VEHICLE ALARMS" BY AMENDING THE PROVISIONS CONCERNING VIOLATIONS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, noise has been a topic of concern within the City of Miami Beach for many years and has recently been the subject of Commission discussion and community meetings to address modified enforcement and legislative solutions; and

WHEREAS, the purpose of this ordinance is to obtain compliance with the prohibition on unnecessary and excessive noise in the City before imposing fines and other penalties; and

WHEREAS, in order to strike a balance between the concerns of the business community and residents, a warning and violation system has been developed which takes into account the diverse character of the City; and

WHEREAS, the provisions in this Ordinance will serve to further address the noise concerns of the City and its residents.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AS FOLLOWS:

SECTION 1. That Section 46-151 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Chapter 46

ENVIRONMENT

* * *

ARTICLE IV. NOISE

Sec. 46-151. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use means those uses deemed accessory uses under the Land Development Regulations of this Code.

Amplification device means any instrument, machine, or system, which by electronic means augments sound by increasing the sound level or volume.

Amplified sound means sound augmented by any electronic means that increases the sound level or volume.

City manager means the city manager or the city manager's designee which may be one of his assistants or a department or division head of the city designated by the city manager, or the Special Master.

Code inspector means an authorized employee or agent of the city whose duty it is to ensure code compliance, including but not limited to inspectors of the city's code compliance

department, and police officers, or any authorized agent or employee of the city whose duty it is to assure code compliance.

~~*Complainant* means any owner, lessee, manager or person with a legal interest in a receiving property who reports being disturbed by sound heard inside of a residence or place of business upon the receiving property and not originating therefrom.~~

Conditional use means those uses deemed conditional uses under the Land Development Regulations of this Code.

Emergency work means any work performed for the purpose of remedying conditions that create an imminent peril to life, health or property.

Habitual means when a person or entity has more than five offenses within 36 months of the first offense.

Offense means a notice of violation that has not been contested timely or a finding of violation by a special master following the appeal of a violation.

One day means a 24 hour period from noon to noon.

One year means a continuous period of time from the date of a first written warning.

~~*Plainly audible* means the sound can be clearly heard by a person of normal sensibilities using only unaided auditory senses. Plainly audible shall refer to a sound heard at a volume level above that of normal conversation and shall not include sounds which are just barely audible. With respect to music the detection of a rhythmic base reverberating type sound, beat or cadence shall be deemed plainly audible.~~

Premises means any real property or parcel of land, including the buildings, structures or other improvements thereon.

~~*Property line* means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by a person from that owned by another person, but not including intrabuilding real property divisions.~~

Qualified Noise Engineer means any person from a list of engineers maintained by the City selected pursuant to the City's competitive bidding procedures.

~~*Receiving property* means any residence or place of business into which sound, not originating therefrom, is traveling.~~

~~*Residence* means any occupied room or rooms connected together containing sleeping facilities, including single and multiple family homes, town homes, apartments, condominium units, and hotel and motel rooms.~~

~~Sound source means the place from which sound emanates, including without limitation a speaker, loudspeaker, or other sound producing instrument or person.~~

Special master means a hearing officer appointed pursuant to chapter 30 of this Code.

~~Uninvited noise means noise not originating on the receiving property.~~

~~Unreasonably loud means noise that is plainly audible inside of a receiving property across a property line.~~

Violator means a person or entity determined or cited by a code inspector as being in violation of the provisions of this Article.

SECTION 2. That Section 46-152 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-152. ~~Unreasonably loud noise prohibited.~~ Adoption by reference. Noises; unnecessary and excessive prohibited.

~~At all times, it shall be unlawful for any person to cause or permit to originate from the real property he controls any sound that crosses a real property line at a volume that is unreasonably loud.~~

Section 21-28 of the Code of Miami-Dade County, entitled "Noises; unnecessary and excessive prohibited,"¹ is recognized as being in force in the City and is hereby adopted by reference as if

¹ Section 21 – 28 of the Code of Miami-Dade County provides as follows:

Sec. 21-28. Noises; unnecessary and excessive prohibited.

It shall be unlawful for any person to make, continue, or cause to be made or continued any unreasonably loud, excessive, unnecessary or unusual noise. The following acts, among others, are declared to be unreasonably loud, excessive, unnecessary or unusual noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle on any street or public place of the County, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time.

(b) *Radios, televisions, phonographs, etc.* The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of one hundred

fully set forth herein, as that code may be amended from time to time. All code inspectors, as defined in this Article, are authorized and directed to enforce the provisions of said Section 21-28 and the provisions of this Article.

(100) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(c) *Animals, birds, etc.* The owning, harboring, possessing or keeping of any dog, animal or bird which causes frequent, habitual or long continued noise which is plainly audible at a distance of one hundred (100) feet from the building, structure or yard in which the dog, animal or bird is located.

(d) *Whistles.* The blowing of any locomotive whistle or whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of the proper municipal or County authorities.

(e) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom.

(f) *Defect in vehicle or load.* The use of any automobile, motorcycle, jet ski, water bike, recreational vehicle, dirt bike or motor vehicle so out of repair, so loaded or in such manner as to create unreasonably loud or unnecessary grating, grinding, rattling or other noise within a residential area.

(g) *Schools, courts, hospitals.* The creation of any excessive or unreasonably loud noise on any street adjacent to any school, institution of learning, house of worship or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institutions, or which disturbs or unduly annoys the patients in the hospital, provided conspicuous signs are displayed in such streets indicating that it is a school, hospital or court street.

(h) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers, and vendors which disturbs the peace and quiet of the neighborhood.

(i) *Noises to attract attention.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of any unreasonably loud or unnecessary noise to any performance, show, sale, display or advertisement of merchandise.

(j) *Loudspeakers, etc.* The use or operation on or upon the public streets, alleys and thoroughfares anywhere in this County for any purpose of any device known as a sound truck, loud speaker or sound amplifier or radio or any other instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon such streets or public places aforementioned. It is provided, however, that this subsection is not intended to be construed in a manner that would interfere with the legitimate use of the foregoing loudspeaker type devices in political campaigns.

(k) *Power tools and landscaping equipment.* The operation of noise-producing lawn mowers, lawn edgers, weed trimmers, blowers, chippers, chain saws, power tools and other noise-producing tools which are used to maintain or at a residence out-of-doors between 8:00 p.m. and 7:00 a.m.

(l) *Shouting.* Any unreasonably loud, boisterous or raucous shouting in any residential area.

(Ord. No. 58-5, § 21.07, 2-18-58; Ord. No. 96-130, § 1, 9-10-96)

SECTION 3. That Section 46-153 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-153. Responsibility for compliance.

For purposes of sections ~~46-152 through 46-155~~ this Article, any person owning or having responsibility for management of a business premises, however temporarily, any performer or disc jockey producing sound upon any business premises, any person playing music, any person having control of volume knobs or levels or amplification devices, and the business as named on the occupational license, if applicable, shall be jointly and severally liable for compliance with this article and shall be responsible for any violations of this article.

SECTION 4. That Section 46-154 of Article IV of Chapter 46 of the Miami Beach City Code is hereby repealed.

Sec. 46-154. Noise level in specific area. Repealed.

(a) ~~*Purpose.* The purpose of these regulations is to allow for an area of the city where the ambience contributes to the enjoyment by residents and visitors of uses that feature the serving of food and beverages accompanied by outdoor live and pre-recorded musical entertainment.~~

(b) ~~*Boundaries.* The area for which these regulations apply shall be located between 900 and 1090 Ocean Drive on Miami Beach. The legal description for this area is as follows:~~

~~Lots 1 through 8, inclusive, block 14; and lots 1 through 8, inclusive, block 15, Ocean Beach Addition No. 2, as recorded in plat book 2, page 56, public records of the county.~~

(c) ~~*Limitation on noise volume.*~~

(1) ~~For purposes of enforcement of this article, the following definition of "unreasonably loud" shall apply for all noises originating within the area as described in subsection (b) of this section:~~

~~Uninvited noise shall be deemed unreasonably loud if it is plainly audible inside a residential receiving property or part thereof at a distance greater than 50 feet away from the property line of the sound source or is plainly audible inside a place of business or part thereof at a distance greater than 100 feet away from the~~

~~property line of the sound source. For purposes of enforcement of this section, measurements of distance from a sound source to a receiving property shall be measured in a straight line from the property line of the sound source to the~~

~~residence or place of business which is the receiving property. The measurement will begin at that point on the property line of the sound source nearest to the receiving property.~~

~~(2) All procedures for enforcement of violations of the noise limitations in subsection (e)(1) of this section and for appeals of notices of violations issued by code inspectors shall be as set forth in this article.~~

~~(d) No variances granted. No variances shall be granted from the permissible volume limitations set forth in subsection (c) of this section.~~

~~(e) Applicability of zoning provisions. The regulations set forth in this section shall be supplementary to all other provisions, and zoning regulations shall continue to apply within the area.~~

SECTION 5. That Section 46-155 of Article IV of Chapter 46 of the Miami Beach City Code is hereby repealed.

Sec. 46-155. Additional sound limitations for public property. Repealed.

~~No person shall, on any public street or sidewalk, beach or park use, operate or play any radio, phonograph, stereo set, tape or CD player, television, sound amplifier, or other electronic audio device that produces or reproduces amplified sound, at a level that is plainly audible at a distance of more than ten feet from the sound source.~~

SECTION 6. That Section 46-156 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-156. Temporary permits.

(a) The city manager or his designee is authorized to issue a temporary permit to allow noise prohibited by sections 46-152 and ~~46-155~~ when produced by a temporary use or activity that does not significantly endanger the health, safety or welfare of the neighborhood. The city manager or his designee may prescribe any reasonable conditions necessary to minimize any adverse effect upon the community. A permit granted under this article shall contain all conditions upon which the permit has been granted, including the period of time for which the permit has been granted. Such relief may be granted in the following situations:

(1) *Code compliance in progress.* When an applicant is utilizing best efforts to comply with the noise restrictions in this article, but additional time is required for the applicant to modify his activity to comply and no reasonable alternative is available to the applicant, ~~such~~ permits may be granted for a period of time not to exceed ten days.

- (2) *Construction.* When construction activities pursuant to a valid building permit cannot be carried out in a manner which would comply with sections 46-152 and 46-155; provided that all equipment shall be operated in accordance with manufacturer's specifications, shall be in good repair and shall utilize all noise baffling methods as specified by the manufacturer, and further provided that such activities shall occur only as follows:
- a. Between the hours of 7:30 a.m. and 6:30 p.m. and between the hours of 7:30 a.m. and 7:30 p.m. during daylight savings time, on any day in areas zoned as CCC, GU, I-1, MR, CPS-1, CPS-2, CPS-3, CPS-4, RO, WD-1, WD-2, GC, HD, MXE, CD-1, CD-2 and CD-3.
 - b. Between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and 10:00 a.m. and 4:00 p.m. on Saturdays in areas zoned as RM-1, RM-2, RM-3, RM-PRD, RPS-1, RPS-2, RPS-3, RPS-4, RMPS-1, RS-1, RS-2, RS-3, RS-4, TH and in any exclusively residential zoning district not otherwise specified in this subsection, or within three hundred feet of any of these zoning districts. No construction shall be permitted on Sundays or on national holidays.

Notwithstanding the provisions set forth in subsections (a)(2)a and b of this section, the ~~building official~~ City Manager or his designee may authorize any construction activity at a particular site within a zoning district set forth in subsection (a)(2)a of this section earlier than 7:30 a.m. Under emergency circumstances only, the building official may authorize any necessary construction activities earlier than 8:00 a.m. and/or later than 4:00 p.m. on any day within a zoning district set forth in subsection (a)(2)b of this section. The work authorized by the building official pursuant to this subsection may be conditioned upon notice to surrounding property owners and tenants. Such permits may be granted for a period of time not to exceed three consecutive days.

- (3) *Special events and film and print permits.* A film permit issued pursuant to section 12-1, or a special event permit issued pursuant to section 12-5 may be exempted from the requirements of section 46-152 upon specific compliance with sections 12-1(9) or 12-5(8), as applicable. ~~When the applicant seeks to hold a special event or film and print production, or other activity, and has met all of the city's requirements for obtaining such permit as set forth in applicable regulations, resolutions or ordinances and the activity or special event cannot be performed or held in a manner that would comply with sections 46-152 and 46-155. Except for special events and film and print productions, such permits may be issued for a period of time not to exceed three days. In lieu of a separate permit issued hereunder, the special event or film and print permit may include the authorization and conditions contemplated hereunder. See section 12-1, for film and print production permits, or section 12-5, for special events.~~

- (b) Failure to comply with any condition of a temporary permit issued pursuant to this section shall constitute a violation and shall result in enforcement procedures and penalties as set forth in sections 46-158, 46-159 and 46-160.

SECTION 7. That Section 46-157 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-157. Exemptions.

The following uses and activities shall not constitute unnecessary and excessive noises prohibited in section 46-152 ~~be exempt from the requirements of sections 46-152 and 46-155 and from the enforcement procedures in this article:~~

- (1) Cries for emergency assistance and warning calls.
- (2) Radios, sirens, horns and bells and other sounds created by police, fire and other emergency response vehicles.
- (3) Parades, fireworks displays, ~~special events~~ and other activities for which a permit has been obtained from the city, pursuant to section 46-156, within such hours and in accordance with such restrictions as may be imposed as conditions for the issuance of the permit.
- (4) Activities on or in municipal ~~and school athletic~~ facilities and on or in publicly owned property and facilities, when such activities have been authorized by the public authority owning the properties or facilities or their agents; except where such publicly owned properties are under private operation or use. ~~pursuant to a lease or concession agreement.~~
- (5) Fire alarms and burglar alarms, bells and chimes of churches or other religious institutions; however, false burglary alarms shall be subject to enforcement procedures and penalties as set forth in article II of chapter 42.
- (6) Locomotives and other railroad equipment and aircraft, to the extent that city regulation is preempted by federal law.
- (7) Noises resulting from emergency work.
- (8) Any noise resulting from activities of a temporary duration permitted pursuant to section 46-156.
- (9) Noise generated by motor vehicles as defined in F.S. § 320.01 when operated and equipped in accordance with requirements set forth in the Florida Statutes.

- (10) Noise resulting from the operation of vessels when operated in compliance with the decibel limitations in F.S. § 327.65. However, noise exceeding the limitations set forth in F.S. § 327.65 shall be subject to enforcement and penalties as set forth in F.S. ch. 327.
- (11) ~~Noises emanating from the unamplified conversations of persons on the public streets and sidewalks.~~ Live or amplified sound projecting east of the east property line from each property from 1st Street to 5th Street on the east side of Ocean Drive, from 5th Street to 15th Street on the west side of Ocean Drive, on the east side of Collins Avenue from 15th Street to 73rd Street, on the west side of Ocean Terrace from 73rd to 75th Streets, and the east side of Collins Avenue from 76th to 87th Streets. This exemption shall only apply to that area located east of the violating property and between its the north and south projections of its property boundaries and where there is no part of any building or structure on the adjacent any property to the east of the violating property unless the adjacent building or structure to the east is owned by the violator. Any noise generated received by a property that is outside of this area shall be subject the violator to the enforcement provisions of this article.

SECTION 8. That Section 46-158 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-158. Enforcement by code inspectors; notice of violation; warnings.

- (a) Notice of Violation. ~~If a code inspector receives a complaint from a complainant regarding a violation of its article, he shall investigate the complaint and determine whether the violation exists.~~ If the code inspector then observes a violation of this article, in response to a complaint, the inspector shall issue a notice of violation to the violator, except as otherwise provided in subsection (b), and inform the violator that he must immediately cease the violation and that the violator will be subject to additional penalties if the violation continues and that issue a notice of violation will be issued to the violator as provided in Chapter 30 of this Code. The notice shall inform the violator of the:

- (1) Name of the violator.
- (2) Date and time of violation.
- (3) Nature of the violation.
- (4) Amount of fine or other penalty for which the violator may be liable pursuant to section 46-159 of this Code or as otherwise provided by law.
- (5) Instructions and due date for paying the fine.

- (6) Notice that the violation may be appealed by filing a written request for an administrative hearing with the clerk of the special master within ten days after service of the notice of violation, for requesting an administrative hearing, that failure to do so shall constitute an admission of the violation and waiver of the right to a hearing, and that unpaid fines will result in the imposition of liens which may be foreclosed by the city.

The notice shall also inform the violator that repeat violations of this article will result in the imposition of larger fines and may also result in revocation, suspension, or the imposition of restrictions on an occupational license, and/or certificate of use, or accessory use, and/or injunctive proceedings as provided by law. The notice shall be signed by the code inspector who witnessed the violation.

(b) Warnings.

(1) Oral Warnings

If a code inspector observes a violation of this article without a complaint having been made, the inspector may first issue an one oral courtesy warning per day and inform the violator that the violator will be subject to penalties if the violation continues.

(2) Written Warnings

In the following circumstances, a code inspector shall first issue one a written warning to immediately cease the violation prior to issuing a notice of violation:

- a. On six different days in one year If no more than six written warnings have been issued in the 12 months preceding the date of violation; and
- b. On one day during certain Major Event Periods as designated annually by the City Manager, so long as the six warnings in (2)(a) above have not been exhausted.

The written warning shall be substantially in the same form as the notice of violation as stated in section 46-158 (a) above. Failure to correct the violation within fifteen minutes following the issuance of a written warning, shall result in the issuance of a notice of violation pursuant to this Article. A final warning shall mean the warning preceding a notice of violation. A person who has received a final warning may appeal the issuance of the final warning to the Special Master. If the Special Master finds that no violation occurred, the final warning shall be voided.

A Code Inspector shall not issue a written warning, and instead shall issue a notice of violation, to any person, entity or establishment who: 1) in any one day has already been issued a written warning as specified in 46-158 or 2) in any one-year 12 month period has exceeded any of the warning limits specified in 46-158 (b).

- (c) The holder of the occupational license for the premises where a violation or warning is issued shall have the responsibility to keep the City advised of the current address of the owner of the premises.

SECTION 9. That Section 46-159 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-159. Civil fines and penalties for violation; appeals; alternate means of enforcement.

- (a) Civil fines and penalties. The following civil fines and penalties shall be imposed for violations of this chapter:

- (1) First offense, \$250.00 fine.
- (2) Second offense within ~~one year~~ 36 months of the first offense, \$1,000.00 fine.
- (3) Third offense within one year 36 months of the first offense, \$2,000.00 fine.
- (4) Fourth offense within one year 36 months of the first offense, one weekend (Noon Friday through noon Monday) occupational license conditions and/or accessory use restrictions shall be imposed limiting the ability to produce any live or amplified sound at that portion of the premise that caused the violation, in addition to a \$3,000.00 fine.
- (5) Fifth offense within one year 36 months of the first offense, two weekend (noon Friday through noon Monday) occupational license conditions and/or accessory use restrictions shall be imposed limiting the ability to produce any live or amplified sound at that portion of the premise that caused the violation, in addition to a \$5,000.00 fine.

~~For purposes of this section, "offense" shall mean a notice of violation that has not been contested timely or a finding of violation by a special master following the appeal of a violation.~~ A person may receive a separate notice of violation once every hour if a violation has occurred at any time within that period. Each ~~notice of~~ violation shall constitute a separate offense for which a separate fine ~~may~~ shall be imposed. An offense shall be deemed to have occurred on the date the violation occurred. License suspensions or accessory use restrictions pursuant to this section shall be imposed by order of the Special Master after finding an offense warranting suspension or restriction has occurred. An offense occurring 36 months after the first offense shall be treated as a first offense for purposes of incurring new fines and penalties. However, any fines or penalties imposed in the initial 36 month period shall not be waived or altered.

- (b) A violator who has been served with a notice of violation shall elect either to:

- (1) Pay the civil fine in the manner indicated on the notice; or
- (2) File a written request Request for an administrative hearing before a special master to appeal the decision of the code inspector that resulted in the issuance of the notice of violation. The written request shall be submitted to the clerical staff

of the special master no later than ten (10) days of service of the notice of violation, and shall be accompanied by a \$75 appeal fee. The fee may be returned to the violator if the special master rules in favor of the violator. All disputes regarding proper notice of the violation and timeliness of the appeal shall be heard by the special master prior to any hearing on the merits of the violation itself.

- (c) The procedures for appeal of the notice of violation shall be as set forth in sections ~~102-384 and~~ 102-385. A courtesy mail notice ~~shall~~ may be provided to the complainant of any hearing regarding the notice of violation, and the complainant may testify at such hearings. Failure to give such notice shall not be a cause for continuance or cancellation of any scheduled hearing of the matter. Only two continuances, for no longer than 20 days each, shall be granted by the Special Master for an appeal any administrative hearing unless the alleged offender, at a hearing on a motion for continuance, establishes by testimony, and/or other evidence, that good cause exists for a further continuance. If the special master finds that a violation has occurred, the applicable penalty set forth in §46-159(a) shall be imposed.
- (d) ~~If the named violator after notice fails to pay the civil fine or fails to timely request an administrative hearing before a special master, the special master shall be informed of such failure by report from the code inspector.~~ Failure of the named violator to appeal the decision of the code inspector within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special master. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and penalties ~~may~~ shall be assessed accordingly. In the event of a fourth or fifth offense, and following notification by the code inspector of the violator's failure to timely request an administrative hearing, the special master shall enter an order setting the time during which conditions shall be imposed on the violator's occupational license or, as applicable, the accessory uses shall be restricted. Such conditions or restrictions shall begin no later than 30 days after entry of the order by the special master.
- (e) Any party aggrieved by the decision of a Special Master may appeal that decision to a court of competent jurisdiction as provided in F.S. § 162.11 and section 30-77 of this Code.
- (f) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines. A certified copy of an order imposing a civil fine or city bill for penalties due under this section may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After two months from the filing of any such lien that remains unpaid, the city may foreclose or otherwise execute on the lien. All costs and attorneys fees incurred by the City for collecting any fine shall be paid by the violator.

- (g) As an alternative or additional means of enforcement, the city may institute proceedings to revoke or suspend an occupational license and/or certificate of use or seek injunctive relief as set forth in section 46-158.
- (h) Furthermore, ~~i~~ In cases of recurring habitual violations or offenses, the code inspector City Manager may issue a citation an administrative complaint for prosecution before the special master suspension or revocation of an occupational license and certificate of use as provided in this chapter wherein Section 102-383. uUpon a finding of habitual violations or offenses by the special master City Manager, an per diem fine occupational license suspension, revocation and/or fine shall may be imposed. Suspensions shall be imposed with restrictions limiting the ability to provide any live or amplified sound as either a condition of the occupational license or as an accessory use restriction. In the event the violator is a hotel, motel, condominium, apartment or other residential property, accessory use restrictions shall be imposed in lieu of an occupational license revocation which results in the eviction of residents. Additionally, in the event of a revocation, as a condition of being permitted to resume operation under the occupational license, the City Manager shall utilize the criteria set forth in Section 142-1362 of this Code to impose such conditions or restrictions as deemed appropriate to assure the licensed property compliance with all City Codes. A violation shall be considered recurring when a person or entity has received three notices of violation within a period of one month.

In determining the length of the suspension or accessory use restriction to be imposed under this subsection, the City Manager shall consider the following factors: the gravity of the violations or offenses; any actions taken by the violator to correct the violations or offenses; and, any previous violations or offenses committed by the violator. No suspension or accessory use restriction imposed under this subsection shall be for a period of time of less than 30 consecutive days.

In the event a habitual violator does not hold an occupational license or certificate of use, the Special Master shall impose a fine up to \$5,000.00 per violation.

- (i) Any fine imposed under this Article shall become a lien pursuant to the procedures of sections 30-74 and 30-75 of this code.
- (j) In addition, in the event a violator refuses to comply with a notice of violation issued under section 46-158, a violator may be punished by imprisonment not to exceed 60 days or by imposition of a fine not to exceed \$500.00 per offense or both.
- (k) Nothing herein shall restrict the powers and authority granted to the various boards and committees of the city, including the imposition of conditions and sanctions not specifically enumerated in this article.
- (l) Nothing herein shall be deemed to modify existing applicable State, County or City building and fire codes, ordinances, laws or regulations.

- (m) A nolle prosequi, or any other decision made by the City not to prosecute a notice of violation, must be based upon good cause and issued in writing in a public record.

SECTION 10. That Section 46-161 of Article IV of Chapter 46 of the Miami Beach City Code is hereby amended as follows:

Sec. 46-161. Motor vehicle alarms.

- (a) Definition. The following term shall have the following meaning for purposes of this section: "alarm system" shall mean a motor vehicle siren or horn alarm system contained in or appurtenant to a motor vehicle, designed to activate and sound in the event of a break-in or attempted break-in of the vehicle.
- (b) It shall be unlawful for any motor vehicle equipped with an alarm system to activate and emit a siren or horn noise, audible at a distance of 100 feet intermittently or continuously within a period in excess of ~~30~~ 15 minutes ~~between the hours of 11:00 p.m. and 7:00 a.m.~~. Any person who has custody of any such offending motor vehicle shall be deemed in violation of this section.
- (c) A violation of this section on the public streets or areas within the city is hereby declared a public nuisance which may be abated by the removal of such vehicle upon authorization of a law enforcement officer. Prior to removing such vehicle, the law enforcement officer shall afford the owner or custodian of such vehicle the opportunity to disconnect or deactivate the alarm system at the scene. Otherwise, the vehicle shall be removed to an authorized facility. The law enforcement agency shall ascertain the name and address of the registered owner of such vehicle and provide written notice by certified mail, return receipt requested, within 24 hours of such removal, the reason(s) for the removal, and the place where such vehicle has been removed. The fees assessed for the removal of the vehicle may be appealed by filing a complaint in the county court and posting with the court a cash or surety bond or security equal to the amount for the removal and/or storage of the vehicle to ensure the payment of such in the event the owner or custodian of the vehicle does not prevail.
- (d) A violation of this section on private property shall cause the person who owns or has custody of the offending vehicle to be fined \$50.00. Any duly designated law enforcement officer and/or code enforcement officer is authorized and empowered to enter without force upon private property in order to detect and issue a citation or notice of violation to and upon the owner or custodian of the offending motor vehicle. A copy of the citation or notice of violation may also be left on the offending vehicle and shall constitute notice. The citation or notice of violation may be appealed in accordance with the procedures set forth in sections 102-384 and 102-385 and chapter 30 of this Code.
- (e) It shall not be a violation of this section if it is determined by the law enforcement officer and/or code enforcement officer that the siren or horn noise has been triggered by the unauthorized opening of the hood, truck or door(s) of the vehicle, by the breaking or

attempted breaking of a window or by lightning, thunderstorms, or severe weather conditions.

SECTION 11. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 12. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 13. SEVERABILITY

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 14. EFFECTIVE DATE

PASSED and ADOPTED this ____ day of _____, 2006.

This Ordinance shall take effect on the ____ day of _____, 2006.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

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M. J. D. M. L. 3-3-06
City Attorney Date

CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, January 11, 2006**, to consider the following:

10:15 a.m.

An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance, By Establishing The Classifications Of Bicycle Program Coordinator, Case Worker II, Chief Building Code Compliance Officer, Chief Fire Protection Analyst, Community Information Coordinator, Emergency Management Coordinator, Environmental Resources Manager, Film & Event Production Manager, Grants And Operations Administrator, Labor Relations Director, Labor Relations Specialist, Landscape Projects Coordinator, Management Consultant, Media Assistant, Neighborhood Services Projects Administrator, Park Facility Manager, Radio Systems Administrator, Senior Management Consultant, Senior Network Administrator, Senior Systems Analyst, Senior Systems Administrator, Senior Telecommunications Specialist, Systems Administrator, Systems Analyst, Telecommunications Specialist, Traffic Engineer, Transportation Manager, Truancy Prevention Program Coordinator, Urban Forester, And Voip Network Administrator; Amending The Title And Grade Of The Classification Of Labor Relations Director And Grades Of The Classifications Of Network Administrator, Procurement Coordinator And Senior Procurement Specialist.

Inquiries may be directed to the Human Resources Department at (305) 673-7520.

10:20 a.m.

An Ordinance Amending Division 2, Entitled "The Barrier-Free Environment Committee": Amending Section 2-31 Entitled "Established; Purpose; Composition" By Changing The Committee's Name To "Disability Access Committee".

Inquiries may be directed to the Public Works Department at (305) 673-7080.

10:25 a.m.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article VI, "Design Review Procedures" By Clarifying The Scope Of Review Of The Design Review Board As It Pertains To Single Family Homes And Townhomes.

Inquiries may be directed to the Planning Department at (305) 673-7550.

5:01 p.m.

An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-151, Entitled "Definitions," To Provide New Terms And Definitions And Deleting Certain Terms And Definitions; Amending Section 46-152, Entitled "Unreasonably Loud Noise Prohibited," By Amending The Title And Adopting Section 21 - 28 Of The Code Of Miami-Dade County By Reference; Amending Section 46-153, Entitled "Responsibility For Compliance," By Amending The Provisions Thereof; Repealing Section 46-154, Entitled "Noise Level In Specific Area"; Repealing Section 46-155, Entitled "Additional Sound Limitations For Public Property"; Amending Section 46-156, Entitled "Temporary Permits," By Expanding The Prohibited Areas For Construction Noise To Within 300 Feet Of Certain Districts And Amending The Exemptions For Special Events And Film Permits; Amending Section 46-157, Entitled "Exemptions," And By Deleting Subsection (11) And Amending The Provisions Thereof; Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation," By Amending The Procedures For Enforcement And Warnings; Amending Section 46-159, Entitled "Civil Fines For Violation; Appeals," By Amending The Fines And Penalties For Violations, The Appeal Procedures, And The Alternate Means Of Enforcement; Amending And Renumbering Section 46-160, Entitled "Nuisance," As Section 46-161, And Renaming Section 46-160 As "Relief From Violations For Sound Systems And Compliance" And Creating Provisions Therefore; Amending And Renumbering Section 46-161, Entitled "Motor Vehicle Alarms" As Section 46-162 Which Is Hereby Created.

Inquiries may be directed to the City Manager's Office at (305) 673-7010.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, and Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305)673-7218(TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

Ad #349

Condensed Title:

Amending "CD-1 Commercial, Low Intensity District," Section 142-275 "Prohibited Uses" to Prohibit Dance Hall/Entertainment Establishment Uses In The CD-1 Commercial Low Intensity Zoning District

Key Intended Outcome Supported:

Increase satisfaction with neighborhood character

Issue:

To prohibit Entertainment Uses In The CD-1 Commercial Low Intensity Zoning District.

Item Summary/Recommendation:

The Planning Board held discussions on entertainment uses in various zoning districts throughout Miami Beach at its May and December 2005 meetings. The Board has proposed limiting entertainment uses in areas close to residential areas, or areas where it may not be appropriate, and requested an ordinance prohibiting dance hall / entertainment establishment uses in the CD-1 Commercial Low Intensity District.

The CD-1 Low Intensity Commercial Zoning District is the lowest intensity commercial district within Miami Beach. Section 142-271 states that the district's purpose is to provide retail sales, personal services, shopping district, designed to provide service to surrounding residential neighborhoods. The existing CD-1 districts include the Alton/Dade Blvd. triangle, parts of the Alton Road corridor, the west end of Normandy Drive, and 40th Street. Since these districts are intended for neighborhood commercial use, they may be incompatible with entertainment uses such as dance hall and entertainment establishment.

The attached ordinance would prohibit entertainment uses (dance hall and entertainment establishments) within these CD-1 low intensity zoning districts. No licensed entertainment establishments currently exist within the CD-1 district, so there is no potential for this ordinance to create nonconforming uses if adopted.

Given the low intensity nature of these districts, the stated purpose of the district as serving surrounding residential neighborhoods, and the proximity of those residential neighborhoods, it is appropriate to eliminate the possibility of potentially disruptive entertainment activities in these limited zones.

Advisory Board Recommendation:

The Planning Board recommended approval of the proposed ordinance at its January 24, 2006 meeting.

Financial Information:

Source of Funds:	Amount	Account	Approved
1			
2			
3			
4			
Total			

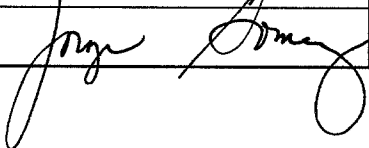
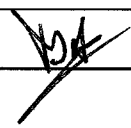
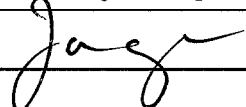
OBPI

Financial Impact Summary: The ordinance is not expected to have any fiscal impact.

City Clerk's Office Legislative Tracking:

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Sign-Offs:

Department Director	Assistant City Manager	City Manager
		



MIAMI BEACH

AGENDA ITEM RSJ
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

FIRST READING

DATE: March 8, 2006

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," SECTION 142-275 "PROHIBITED USES" OF THE CITY CODE, TO PROHIBIT DANCE HALL AND/OR ENTERTAINMENT ESTABLISHMENT USES IN THE CD-1 COMMERCIAL LOW INTENSITY ZONING DISTRICT; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

ADMINISTRATION RECOMMENDATION

The Administration recommends that the City Commission refer the ordinance to the Land Use and Development Committee, or alternatively approve the proposed ordinance on first reading with second reading public hearing to be held after the matter is heard by the Land Use and Development Committee.

BACKGROUND

At the December 20, 2005 Planning Board meeting, the Board held a discussion regarding entertainment uses in various zoning districts throughout the City of Miami Beach. This was a follow up to an earlier discussion regarding entertainment uses held by the Board at its May 24, 2005 meeting, at which the Planning Board discussed limiting entertainment uses in areas close to residential areas, or areas where it may not be appropriate.

As part of the December 2005 discussion, the Board requested that an ordinance prohibiting dance hall / entertainment establishment uses in the CD-1 Commercial Low Intensity Zoning District be prepared and brought before the Board at its January 24, 2005 meeting.

ANALYSIS

The CD-1 Low Intensity Commercial Zoning District is the lowest intensity commercial district within Miami Beach. City Code Section 142-271 states that the district's purpose is to provide retail sales, personal services, shopping district, designed to provide service to surrounding residential neighborhoods.

Staff has mapped the existing CD-1 neighborhood commercial districts, consisting of:

- Alton/Dade Blvd. Triangle
- Parts of Alton Road Corridor
- West End of Normandy Drive
- 40th Street

See attached maps.

The above definition of the CD-1 district as intended for neighborhood commercial use is such that the district may be deemed incompatible with entertainment uses such as dance hall and entertainment establishment.

The attached ordinance would prohibit entertainment uses (dance hall and entertainment establishments) within these CD-1 low intensity zoning districts.

Please note that a review of licensed dance halls / entertainment establishments indicates no existing establishments are located within the CD-1 Commercial Low Intensity zoning district, thereby eliminating the potential for this ordinance to create nonconforming uses if adopted.

PLANNING BOARD ACTION

At the January 24, 2006 meeting, a motion was made and approved by a vote of 6-0 recommending that the City Commission adopt the Ordinance.

FISCAL IMPACT

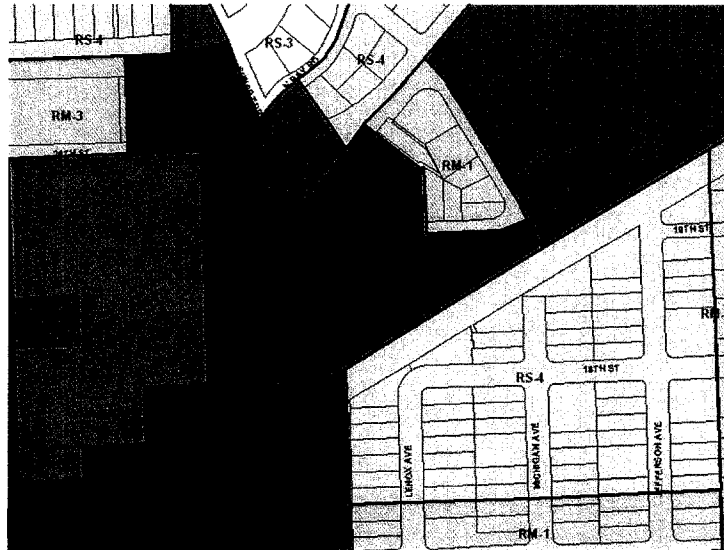
The proposed ordinance should have no associated negative fiscal impact upon enactment.

CONCLUSION

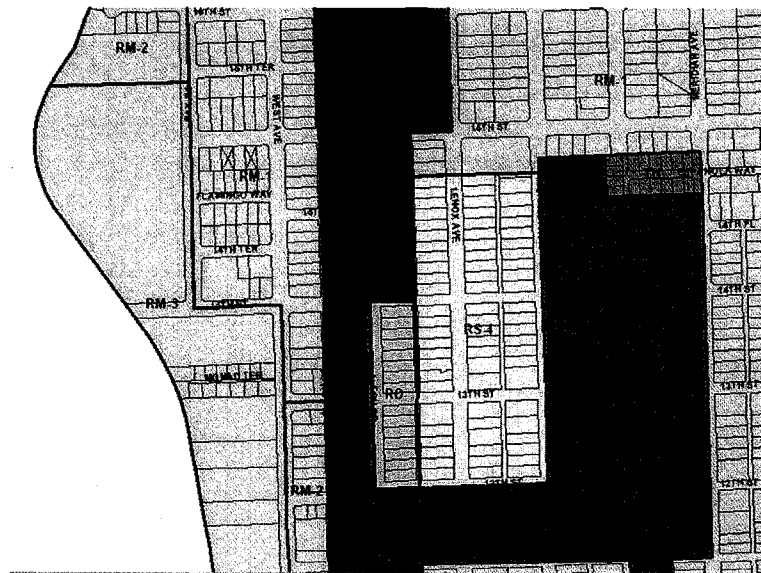
Given the low intensity nature of these districts, the stated purpose of the district as serving surrounding residential neighborhoods, and the proximity of those residential neighborhoods, it is appropriate to eliminate the possibility of potentially disruptive entertainment activities in these limited zones.

JMG/TH/JGG/RGL

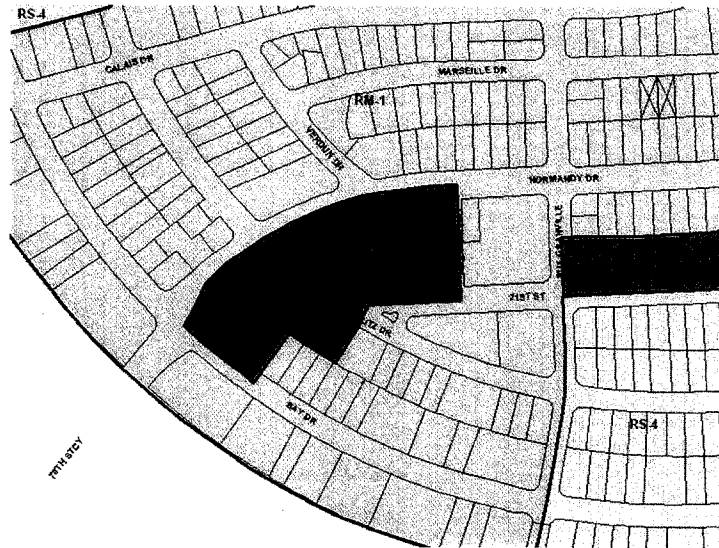
CD-1 Low Intensity Commercial Districts (Neighborhood Commercial) Alton/Dade Blvd. Triangle



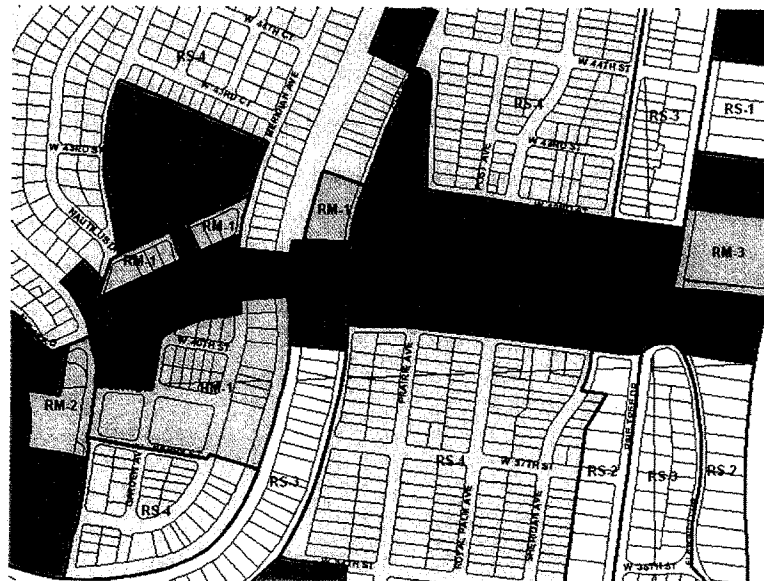
CD-1 Low Intensity Commercial Districts (Neighborhood Commercial) Parts of Alton Road Corridor



CD-1 Low Intensity Commercial Districts
(Neighborhood Commercial)
West End of Normandy Drive



CD-1 Low Intensity Commercial Districts
(Neighborhood Commercial)
40th Street



ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY CODE BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," DIVISION 4, "CD-1 COMMERCIAL, LOW INTENSITY DISTRICT," SECTION 142-275 "PROHIBITED USES" OF THE CITY CODE, TO PROHIBIT DANCE HALL AND/OR ENTERTAINMENT ESTABLISHMENT USES IN THE CD-1 COMMERCIAL LOW INTENSITY ZONING DISTRICT; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Miami Beach seeks to reduce the potential for land use conflicts between commercial uses and nearby residential neighborhoods; and

WHEREAS, at recent Planning Board meeting, the Board discussed entertainment uses in various zoning districts throughout the City of Miami Beach, and discussed limiting entertainment uses in areas close to residential areas, or areas where it may not be appropriate; and

WHEREAS, The CD-1 Low Intensity Commercial Zoning District is the lowest intensity commercial district within Miami Beach, whose purpose is to provide retail sales, personal services, shopping district, designed to provide service to surrounding residential neighborhoods.; and

WHEREAS, the Planning Board has proposed eliminating dance hall and entertainment establishment uses in the CD-1 Low Intensity Commercial Zoning District in order to reduce the potential for disruption of nearby residential neighborhoods.; and

WHEREAS, the amendment set forth below is necessary to accomplish the above objective.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. That Section 142-275 of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-275. Prohibited uses.

The prohibited uses in the CD-1 commercial, low intensity district are accessory outdoor bar counter; dance hall, entertainment establishment, outdoor entertainment establishment, and open air entertainment establishment.

SECTION 2. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the

Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

SECTION 3. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2006.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

M. H. [Signature]
City Attorney *JA*

2-28-06
Date

First Reading:

Second Reading:

Verified by: _____
Jorge G. Gomez, AICP
Planning Director

Underscore denotes new language

Condensed Title:

Resolution providing for additional appropriations from the FY 2005/06 Pay-As-You-Go Capital Fund.

Key Intended Outcome Supported:

Ensure well-designed, quality capital projects.

Issue:

Should the Commission approve \$3.63 million in FY 2005/06 Pay-As-You-Go funding be used for the following projects scheduled to be under construction in FY 2005/06: Sidewalk and Street Restoration (\$210,000), Normandy Isle Neighborhood Improvements (\$875,000), Fire Stations 2 and 4 FF&E (\$ 420,000), Flamingo Park - Pool Deck Lighting (\$125,000), and Scott Rakow Youth Center Additional Improvements (\$2,000,000)?

Item Summary/Recommendation:

The Adopted General Fund Operating Budget for FY 2005/06 incorporated new areas of capital funding as part of incorporating structural changes in the budget to ensure the long term fiscal management and sustainability of the city, including the creation of a \$5 million transfer to the capital fund to create an annual Pay-As-You-Go component of the capital budget. As FY 2005/06 was the first year of implementation, only 2 projects were identified in the capital budget: Miami Beach Golf Course Cart Barn (\$1,000,000), and Normandy Park and Pool Technology Requirements (\$50,000), with the remaining funds to be appropriated based on additional review of upcoming needs. Since then, the Commission has appropriated funding for URS Project Management fees (\$125,000) and Corradino Associates (\$120,280) both related to completion of the Normandy Park and Pool project, leaving a balance of \$3,704,720 to be appropriated.

Based on a review of various eligible projects, it is recommended that \$3.63 million of the remaining balance in FY 2005/06 Pay-As-You-Go funding be used to address project needs for the following projects scheduled to be under construction in FY 2005/06: Sidewalk and Street Restoration (\$210,000), Normandy Isle Neighborhood Improvements (\$875,000), Fire Stations 2 and 4 FF&E (\$ 420,000), Flamingo Park – Pool Deck Lighting (\$125,000), and Scott Rakow Youth Center Additional Improvements (\$2,000,000). The unexpended funds will remain in the Capital Fund from year to year to allow for future allocations.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:	Amount	Account	Approved
1	\$3,630,000	Pay-As-You-Go Capital Fund	
2			
3			
4			
Total	\$3,630,000		

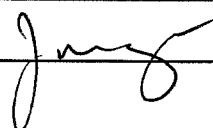
OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Kathie Brooks, OBPI Director

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMIBEACH

AGENDA ITEM R7A
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, PROVIDING FOR ADDITIONAL APPROPRIATIONS FROM THE FY 2005/06 PAY-AS-YOU-GO CAPITAL FUND FOR THE FOLLOWING PROJECTS: 1) SIDEWALK AND STREET RESTORATION IN NORTH, MID, AND SOUTH BEACH (\$210,000); 2) NORMANDY ISLE NEIGHBORHOOD IMPROVEMENTS (\$875,000); 3) FURNITURE FIXTURES AND EQUIPMENT FOR FIRE STATIONS 2 AND 4 (\$420,000); 4) FLAMINGO PARK - POOL DECK LIGHTING (\$125,000); AND 5) SCOTT RAKOW YOUTH CENTER ADDITIONAL IMPROVEMENTS (\$2 MILLION)**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

As part of the set of financial policies for governmental entities, it is generally considered fiscally prudent to designate a certain portion of the operating budget to be re-invested in capital. This helps ensure adequate, on-going re-investment in capital plant and equipment, often called "Pay-As-You-Go" capital funding. Without a Pay-As-You-Go in a city's capital budget, new General Fund projects that are needed from time-to-time often have to be deferred until the City goes out for a major bond issue. Many cities define a percentage of General Fund operating budget, or a fixed annual amount, to be transferred from the General Fund for capital projects each year.

As a result of discussions during the budget development process, the Adopted General Fund Operating Budget for FY 2005/06 incorporated new areas of capital funding as part of incorporating structural changes in the budget to ensure the long term fiscal management and sustainability of the city, including the creation of a \$5 million transfer to the capital fund to create an annual pay-as-you-go component of the capital budget.

The policy and criteria for uses of these funds, as discussed with the Commission during the budget development process, is as follows:

- Address unfunded new projects recommended or approved in concept by the Commission;
- Address new or additional scope for previously funded projects;

- Address additional funding needs for previously approved capital projects, i.e. cost increases associated with approved Basis of Design Reports (BODRs) that are identified prior to going out for bid, many of which are due to the increased cost of construction (e.g., due to increases in the cost of concrete, high demand for construction services in the local area, etc.).

The Pay-As-You-Go capital is funded by the General Fund and, as such, excludes Enterprise Fund projects supported by revenue bonds (water, sewer, stormwater, etc.) Unforeseen cost increases once a project has gone out to bid are funded separately from the City's Capital Reserve.

In future years, the appropriation of the Pay-As-You-Go funds will include a process for evaluation of proposed funding needs and will occur as part of the capital budget process. However, as FY 2005/06 was the first year of implementation, only 2 projects were identified in the capital budget: Miami Beach Golf Course Cart Barn (\$1,000,000), and Normandy Park and Pool Technology Requirements (\$50,000), with the remaining funds to be appropriated based on additional review of upcoming needs. Since then, the Commission has appropriated funding for URS Project Management fees (\$125,000) and Corradino Associates (\$120,280) both related to completion of the Normandy Park and Pool project, leaving a balance of \$3,704,720 to be appropriated.

Based on the latest review of our various eligible projects, it is recommended that this remaining \$3.7 million in FY 2005/06 Pay-As-You-Go funding be used to address project needs for the following projects scheduled to be under construction in FY 2005/06.

- Sidewalk and Street Restoration in North, Mid, and South Beach: The 2005 community satisfaction survey identified the condition of our roads as a key driver of resident perceptions of whether the City is better, the same, or worse than a few years ago, and for their perception of value of City services for tax dollars paid. Condition of sidewalks was a key driver for businesses' perceptions of whether our City government is meeting their needs. Further, the condition of roadways and sidewalks generally rated more poorly than other facilities and infrastructure. The appropriation will allow the City to supplement funding provided by the People's Transportation Plan (PTP) and expand the repair and restoration of roadways and sidewalks throughout the City. The projects will address milling and resurfacing streets and repair and replacement of sidewalks not addressed in the past 20 years and that are not otherwise funded by the General Obligation (GO) Bond streetscapes neighborhood projects. Examples include: the cross streets between Collins Avenue and Dickens Avenue from 76th Street to 86th Street; the streets north of Dade Blvd. between Alton and Sunset Harbor; South Beach alleyways; and La Gorce neighborhood cross streets.

- Normandy Isle Neighborhood Improvements: As the project has progressed to the 90% design stage, project cost estimate have increased, in part due to the generally increased cost of construction, particularly materials and labor.
- Fire Station 2 and 4 Furniture, Fixtures and Equipment (FF&E): The original budgets for these facilities included funding for all construction but did not include funding for FF&E. FF&E requirements for the fire stations include bunks and mattresses; wardrobes and lockers; desks, chairs, whiteboards and training room TV/DVD players; dining room tables and chairs; lobby chairs, recliners; refrigerators, stoves and assorted kitchen supplies; unit bunker gear, shelving and hose racks; gym equipment; and network wiring, Uninterrupted Power Supply (UPS) units in the IT closets for connectivity hardware, including installation costs.
- Flamingo Park – Pool Deck Lighting: This project will allow the City to expand operating hours at the pool, and therefore, provide additional capacity.
- Scott Rakow Youth Center Additional Improvements: The existing capital budget includes approximately \$0.5 million in funding for renewal and replacement projects, and \$1 million in funding from the Miami-Dade County General Obligation Bond. The City has been working with the Scott Rakow Advisory Board to develop appropriate Phase II and beyond improvements which include many of the pre-determined project components such as converting the old ice rink to a multi-purpose room; renovating the second floor multi-purpose rooms; extending the facility entrance to include a new ADA elevator and security counter; remodeling the existing bathrooms for ADA compliance. There may be additional renewal and replacement items that need to be included as part of the FY 2006/07 appropriation such as the restroom renovation, etc.

Unexpended funds will remain in the Capital Fund from year to year to allow for future allocations.

<u>Recommended Project</u>	<u>Recommended Appropriation</u>
Sidewalk and Street Restoration in North, Mid, and South Beach	210,000
Normandy Isle Neighborhood Improvements @ 90% Design	875,000
Fire Stations 2 and 4 FF&E	420,000
Flamingo Park – Pool Deck Lighting	125,000
Scott Rakow Youth Center Additional Improvements	<u>2,000,000</u>
Total	\$3,630,000

These additional project appropriations were reviewed and approved by the Finance and Citywide Projects Committee at the February 16, 2006 Committee meeting.

Additional needs for projects scheduled to be underway in FY 2006/07 will be addressed as part of the FY 2006/07 capital budget process. The City has established a Capital Projects Committee to review, on an ongoing basis, capital project needs across all departments and make recommendations for the capital budget each year. The Committee is comprised of representatives from the Capital Improvements Office, Public Works (including Property Management), Finance, the Office of Budget and Performance Improvement, Parks and Recreation, Fire, Parking, and the City Manager's Office.

CONCLUSION

The administration recommends that the additional funds needed for the Sidewalk and Street Restoration in North, Mid, and South Beach; Normandy Isle Neighborhood Improvements; Fire Stations 2 and 4 Furniture, Fixtures and Equipment; Flamingo Park – Pool Deck Lighting; and Scott Rakow Youth Center Additional Improvements be appropriated from the FY 2005/06 Pay-As-You-Go Funds.

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RESOLUTION TO BE SUBMITTED

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Condensed Title:

A Resolution appropriating the \$864,145 FY 2004-05 PTP fund balance for Citywide transportation projects.

Key Intended Outcome Supported:

Ensure Well Maintained Infrastructure and Maintain or Improve Traffic Flow.

Issue:

Shall the City appropriate PTP funds for Citywide transportation improvement projects?

Item Summary/Recommendation:

The City received \$2,719,756 in FY 2004-05 People's Transportation Plan (PTP) funds, of which \$1,855,611 was previously appropriated for eligible transportation projects. The Administration recommends that the \$864,145 PTP fund balance be allocated and appropriated as follows:

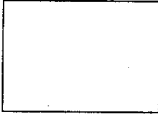
1. Appropriation of \$50,000 for technical assistance for minor and on-demand transportation-related tasks that will be assigned to City Rotational consultants.
2. Appropriation of \$814,145 to help fund citywide right-of-way improvement (milling and resurfacing) projects which are not funded by the GO Bond Program.

The Administration recommends approval.

Advisory Board Recommendation:

N/A

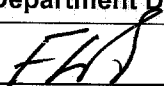

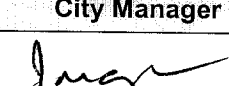
Financial Information:

Source of Funds:	Amount	Account	Approved
 OBPI	1	\$ 30,000	187.8000.312910 Rev. Account 187.6323.000312 Exp. Account
	2	\$434,145	187.8000.312910
	3	\$400,000	187.8000.312910
	4		
	Total	\$864,145	
Financial Impact Summary: N/A			

City Clerk's Office Legislative Tracking:

Robert Halfhill

Sign-Offs:

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

AGENDA ITEM

R7B

DATE

3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OF \$864,145 IN FISCAL YEAR 2004-05 PEOPLES' TRANSPORTATION PLAN (PTP) FUND BALANCE FOR THE FOLLOWING TRANSPORTATION PROJECTS: \$50,000 FOR TECHNICAL SUPPORT TO TRANSPORTATION TO BE PROVIDED, AS NEEDED, BY CITY ROTATIONAL CONSULTANTS; AND \$814,145 TO FUND CITYWIDE RIGHT-OF-WAY IMPROVEMENT PROJECTS.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The Municipal Component of the FY 2004-05 Peoples' Transportation Plan (PTP) fund for the City of Miami Beach was \$2,719,756. As of December 2005 the City appropriated \$1,855,611 leaving a fund balance of \$864,145. This fund balance needs to be appropriated immediately in order to comply with PTP fund rules.

The Administration recommends that the \$864,145 balance in FY 2004-05 PTP funds be allocated and appropriated as follows:

1. Appropriation of \$50,000 for on-going, miscellaneous technical support to the Transportation Division of Public Works. These PTP funds would help fund on-demand minor tasks that will be assigned to City Rotational Consultants. Examples of these minor tasks are:
 - Review the technical traffic impact studies submitted by developers for their proposed construction projects.
 - Conduct miscellaneous traffic warrant studies, as needed.
 - Other minor technical support, as needed.
2. Appropriation of \$814,145 to begin funding Citywide right-of-way (ROW) improvement projects on those City roadways which are not funded by the GO Bond Program. A typical ROW improvement project may include all or some of the following project elements: milling, resurfacing, striping, sidewalk/curb-gutter repairs, and installation of underground conduits for street lighting.

The following South Beach and North Beach roadway segments are included in this category, at an approximate cost per street segment as listed below:

• Bay Road, from Lincoln Road to 16 th Street	\$ 565,000
• Carlyle Avenue, from 73 rd Street to 75 th Street.	\$ 65,000
• Dickens Avenue, from 71 st Street to 72 nd Street	\$ 30,000
• 69 th Street, from Biscayne Bay to Collins Avenue	\$ 80,000
• Indian Creek Drive, from 68 th Street to 72 nd Street	\$ 90,000
• 74 th Street, from Collins Avenue to Carlyle Avenue	\$ 85,000
• 75 th Street, from Collins Avenue to Dickens Avenue	\$ 85,000
• 76 th Street, from Collins Avenue to Dickens Avenue	\$ 85,000
• 77 th Street, from Collins Avenue to Dickens Avenue	\$ 85,000
• 78 th Street, from Collins Ave. to Tatum Waterway	\$ 85,000
• 79 th Street, from Collins Avenue to Dickens Avenue	\$ 85,000
• 82 nd Street, from Collins Avenue to Harding Avenue	\$ 27,000
• 83 rd Street, from Collins Avenue to Abbott Avenue	\$ 37,000
• 84 th Street, from Collins Avenue to Dickens Avenue	\$ 45,000
• 86 th Street, from Collins Avenue to Dickens Avenue	\$ 45,000
• Henedon Avenue in Biscayne Point	<u>\$ 12,000</u>
Total:	\$1,506,000

Additional appropriations beyond the presently available \$814,145 in PTP funds will be appropriated from FY 2005/2006 PTP funds to complete the ROW improvement projects listed above.

Attachment: FY 2004-05 PTP Status Report

JG/BM/FB/FV/RH/ME/AJ

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FY 2004-05 PTP STATUS REPORT - Funds Received and Appropriated to Date

FY 2004-05 PTP FUND RECEIPTS

Collection Period	Amount MB Received	Date MB Received
FY 2004-05		
Oct. 2004	\$ 183,748	2/16/2005
November	217,286	3/18/2005
December	293,687	4/2/2005
Jan. 2005	204,491	5/10/2005
February	195,759	6/10/2005
March	267,795	7/1/2005
April	207,582	7/20/2005
May	231,210	8/30/2005
June	213,072	9/26/2005
July	221,663	10/30/05
August	196,216	11/29/05
September	287,247	12/28/05
2005 Totals	\$ 2,719,756	

Total Receipts Previous Years:

\$ 4,269,596

TO-DATE TOTAL: \$ 6,989,352

FY 2004-05 PTP FUNDS APPROPRIATED BY CITY TO DATE

Appropriations made by City	Appropriation Amount	Resolution No.	Resolution Date	PTP Balance after Encumbr.
Actual FY 2004-05 MB PTP Receipts: \$ 2,719,756				
FY 2004-05 Appropriations to date:				
* FY 2004-05 EW Shuttle Bdgt	241,916	2004-25705	9/28/2004	2,477,840
ROW Improvs to N.Beach Sts.	174,567	2004-25756	12/8/2004	2,303,273
Painting of traffic Light Posts	205,000	2005-25890	5/18/2005	2,098,273
Amend to FY 04-05 EW Bdgt	34,564	2005-25931	6/8/2005	2,063,709
Maintennce of 2 NB Bridges	665,000	2005-25963	7/27/2005	1,398,709
PTP share of SoBe Local 05-06	534,564	2005-26014	9/21/2005	864,145
Proposed Misc. Tech. Assist to TR	50,000	?	3/8/2006	
Proposed Citywide ROW Improvs	814,145	?	3/8/2006	
	\$ 2,719,756			

Total Approps.in Previous Years:

\$ 4,269,596

TOTAL APPROPS. TO DATE: \$ 6,989,352

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE APPROPRIATION OF \$864,145 IN FISCAL YEAR 2004-05 PEOPLES' TRANSPORTATION PLAN (PTP) FUND BALANCE FOR THE FOLLOWING TRANSPORTATION PROJECTS: \$50,000 FOR TECHNICAL SUPPORT TO TRANSPORTATION, TO BE PROVIDED, AS NEEDED, BY CITY ROTATIONAL TRANSPORTATION PLANNING/TRAFFIC ENGINEERING CONSULTANTS; AND \$814,145 TO HELP FUND CITYWIDE RIGHT OF WAY IMPROVEMENT PROJECTS.

WHEREAS, the City's share of the Municipal Component of the Fiscal Year (FY) 2004-05 Peoples' Transportation Plan (PTP) fund was \$2,719,756, of which \$1,855,611 has already been appropriated, leaving a fund balance of \$864,145 that has yet to be appropriated for eligible transportation projects, as required by PTP rules; and

WHEREAS, the Administration would recommend that the remaining \$864,145 fund balance be allocated and appropriated as follows:

1. \$50,000 for on-going technical support to the Transportation Division of Public Works that would be assigned to City's rotational transportation planning/traffic engineering consultants, as:
 - review of technical traffic impact studies submitted by developers for their proposed construction projects;
 - conducting new transportation/traffic studies, as required by City Commission; and
 - conducting miscellaneous traffic warrant studies, as needed; and
2. \$814,145 for Citywide right-of-way (ROW) improvement projects on those City roads which are not funded by the General Obligation (GO) Bond Program, including in this category the following roadway segments, at an approximate cost per street segment as listed below:

• Bay Road, from Lincoln Road to 16 th Street	\$ 565,000
• Carlyle Avenue, from 73 rd Street to 75 th Street.	\$ 65,000
• Dickens Avenue, from 71 st Street to 72 nd Street	\$ 30,000
• 69 th Street, from Biscayne Bay to Collins Avenue	\$ 80,000
• Indian Creek Drive, from 68 th Street to 72 nd Street	\$ 90,000
• 74 th Street, from Collins Avenue to Carlyle Avenue	\$ 85,000
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• 76 th Street, from Collins Avenue to Dickens Avenue	\$ 85,000
• 77 th Street, from Collins Avenue to Dickens Avenue	\$ 85,000
• 78 th Street, from Collins Ave. to Tatum Waterway	\$ 85,000
• 79 th Street, from Collins Avenue to Dickens Avenue	\$ 85,000
• 82 nd Street, from Collins Avenue to Harding Avenue	\$ 27,000
• 83 rd Street, from Collins Avenue to Abbott Avenue	\$ 37,000
• 84 th Street, from Collins Avenue to Dickens Avenue	\$ 45,000
• 86 th Street, from Collins Avenue to Dickens Avenue	\$ 45,000
• Henedon Avenue in Biscayne Point	\$ 12,000
	<u>\$1,506,000; and</u>

WHEREAS, additional appropriations beyond the presently available \$814,145 in PTP funds will be required to complete the ROW improvement projects listed in this Resolution; and

WHEREAS, PTP fund rules require that municipalities appropriate their respective fiscal year PTP fund balances no later than December of the subsequent fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the appropriation of \$864,145 in Fiscal Year 2004-05 Peoples' Transportation Plan (PTP) fund balance for the following transportation projects: \$50,000 for technical support to Transportation, to be provided, as needed, by City rotational transportation planning/traffic engineering consultants; and \$814,145 to help fund Citywide right-of-way improvement projects.

PASSED AND ADOPTED this the _____ day of _____, 2006.

MAYOR

ATTEST:

CITY CLERK

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

W. H. Hulse 3-3-06

(City Attorney) Date

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Condensed Title:

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida authorizing four loans from the City of Gulf Breeze, Florida Local Government Loan Pool Program and , as evidence of such loans, the issuance of (i) not to exceed \$18,300,000 in aggregate principal amount of City of Miami Beach, Florida Water and Sewer Revenue Bonds, Taxable Series 2006B-2, and not to exceed \$5,700,000 in aggregate principal amount of City of Miami Beach, Florida Water and Sewer Revenue Bonds, Taxable Series 2006E, for the principal purpose of paying the cost of certain improvements to the Water and Sewer Utility, pursuant to Section 209 of Resolution No. 95-21585 adopted by the City on May 17, 1995, and (ii) not to exceed \$8,500,000 in aggregate principal amount of City of Miami Beach, Florida Water and Sewer Revenue Refunding Bonds, Taxable Series 2006B-1 and not to exceed \$27,500,000 in aggregate principal amount of City of Miami Beach.

Key Intended Outcome Supported: Ensure well-maintained infrastructure

Issue:

Shall the City authorize the issuance of Water & Sewer debt for the purpose of refinancing \$35.6 million of outstanding Series 1995, Water & Sewer Revenue Bonds and providing 24.3 million for Water and Sewer Projects?

Item Summary/Recommendation:

The Administration recommends the City Commission adopt the proposed Resolution which authorizes the City of Miami Beach to execute loan agreements from the City of Gulf Breeze Local Government Loan Pool Program for the principal purpose of paying the cost of certain improvements to the Water and Sewer Utility System of approximately \$24.3 million and to refund the City's outstanding Series 1995, Water and Sewer Revenue Bonds approximately \$35.6 million.

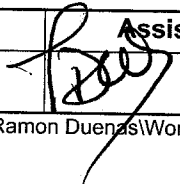
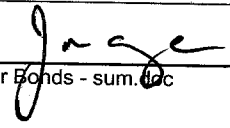
Advisory Board Recommendation:

On February 16, 2006, the Finance and Citywide Projects Committee unanimously approved the refinancing of the outstanding Series 1995 Water and Sewer Revenue Bonds along with the issuance of an additional \$13.9 Million in new money bringing the total amount of new money to \$24 million.

Financial Information:

Source of Funds:		Amount	Account	Approved
	1	\$60,000,000	Water and Sewer Revenue Bonds Series 2006	
	2			
OBPI	Total			

Financial Impact Summary:**City Clerk's Office Legislative Tracking:****Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

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MIAMI BEACH

AGENDA ITEM R7C
DATE 3-8-06



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING FOUR LOANS FROM THE CITY OF GULF BREEZE, FLORIDA LOCAL GOVERNMENT LOAN POOL PROGRAM AND, AS EVIDENCE OF SUCH LOANS, THE ISSUANCE OF (i) NOT TO EXCEED \$18,300,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF MIAMI BEACH, FLORIDA WATER AND SEWER REVENUE BONDS, TAXABLE SERIES 2006B-2, AND NOT TO EXCEED \$5,700,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF MIAMI BEACH, FLORIDA WATER AND SEWER REVENUE BONDS, TAXABLE SERIES 2006E, FOR THE PRINCIPAL PURPOSE OF PAYING THE COST OF CERTAIN IMPROVEMENTS TO THE WATER AND SEWER UTILITY, PURSUANT TO SECTION 209 OF RESOLUTION NO. 95-21585 ADOPTED BY THE CITY ON MAY 17, 1995, AND (ii) NOT TO EXCEED \$8,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF MIAMI BEACH, FLORIDA WATER AND SEWER REVENUE REFUNDING BONDS, TAXABLE SERIES 2006B-1, AND NOT TO EXCEED \$27,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF MIAMI BEACH, FLORIDA WATER AND SEWER REVENUE REFUNDING BONDS, TAXABLE SERIES 2006C, FOR THE PRINCIPAL PURPOSE OF REFUNDING ALL OR A PORTION OF THE CITY'S OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 1995, PURSUANT TO SECTION 210 OF SAID RESOLUTION NO. 95-21585; PROVIDING THAT SAID LOANS AND SERIES 2006 BONDS SHALL BE PAYABLE SOLELY AS PROVIDED IN SAID RESOLUTION NO. 95-21585, CERTAIN LOAN AGREEMENTS RELATING TO THE LOANS AND THIS RESOLUTION; PROVIDING CERTAIN DETAILS OF THE LOANS AND THE SERIES 2006 BONDS; DELEGATING OTHER DETAILS AND MATTERS IN CONNECTION WITH THE LOANS, THE ISSUANCE OF THE SERIES 2006 BONDS AND THE REFUNDING OF THE BONDS TO BE REFUNDED, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; AUTHORIZING THE NEGOTIATED BORROWING AND SALE OF THE SERIES 2006 BONDS, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION, AUTHENTICATION AND DELIVERY OF THE SERIES 2006 BONDS; APPOINTING A BOND REGISTRAR FOR THE SERIES 2006 BONDS; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION OF THE LOAN AGREEMENTS; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF THE SERIES 2006 BONDS AND CREATING CERTAIN FUNDS AND ACCOUNTS; AUTHORIZING THE REFUNDING, DEFEASANCE AND, AS APPLICABLE, REDEMPTION OF THE BONDS TO BE REFUNDED; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT AND APPOINTING AN**

ESCROW AGENT; APPROVING THE FORMS OF AND USE OF CERTAIN DISCLOSURE INFORMATION; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE; APPROVING AND RATIFYING THE RETENTION OF A FINANCIAL ADVISOR; AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY RELATED ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City's proposed Gulf Breeze Loan for the refunding of the City's Water and Sewer Revenue Bonds, Series 1995 is the result of the Administration's continuous review of opportunities to refund outstanding bonds to ensure the City is paying the lowest possible rate within statutory and tax requirements.

This Resolution authorizes the City of Miami Beach to issue bonds to the City of Gulf Breeze, Florida, Local Government Loan Program ("Gulf Breeze") to refund all of the City's outstanding Series 1995, Water and Sewer Revenue Bonds of approximately \$35.6 million; and to provide funding to pay the cost of certain improvements to the Water and Sewer Utility System of approximately \$24.3 million.

The Administration, in concert with the City's Financial Advisor, has determined that the City has the capacity to issue these additional Water and Sewer Revenue Bonds, and that as of March 1, 2006 this transaction will provide present value savings of approximately \$600,000.

This issue requires no additional rate increases beyond those which have been previously approved, the last of which was implemented October 1, 2005. Future rate increases would be proposed only if Miami-Dade County Water and Sewer Department or Miami-Dade Department of Environmental Resources Management (DERM) initiated cost increases to the City that the City would be required to pass through or at such date that the operating costs of the Miami Beach Water and Sewer Department were to increase beyond net revenues and the City would be required to cover those operational expenditures.

The Resolution also authorizes the Mayor, the City Manager, the Chief Financial Officer, and other City employees to take all necessary actions and execute documents as may be necessary in connection with the loans. Further, the Administration is requesting ratification of the selection of J.W. Howard, Bear Stearns, currently serving as one of the City's investment bankers, to serve as the City's Financial Advisor for this transaction. Mr. Howard previously served as the City's Financial Advisor during his employment with RBC Dain Rauscher. This is necessary as Mr. Richard Montalbano, RBC Dain Rauscher, currently serving as the City's Financial Advisor, is the exclusive remarketing agent for the City of Gulf Breeze, Florida, Government Loan Pool.

The proposed borrowing will accomplish the following:

- 1- To refinance the \$35.6 million outstanding Series 1995 Water and Sewer Revenue Bonds.
- 2- Provide funding in the amount of approximately \$24.3 million for Water & Sewer Projects as listed:

Sewer System Improvements

- Replacement of sanitary sewer lines.
- Recommended improvements to the wastewater force main system, including repair or replacement of existing force mains, and constructions of new force mains.
- Rehabilitation/replacement or addition of generators to all pump stations pumping into a 12 inch or larger main or receiving flow from a force main.
- Rehabilitation/replacement of the existing gravity sewer system to eliminate excessive infiltration/inflow from the system.

Water System Improvements

- Recommended improvements to the water distribution system, including replacement of galvanized iron water mains and replacement of old, tuberculated water mains.

BACKGROUND

This Gulf Breeze Loan will be the third series of revenue bonds to fund the City's program to upgrade and rehabilitate its Water and Sewer Utility System. In 1995, following various system evaluations and master plans, the City issued Water and Sewer Revenue Bonds for \$59,060,000 to fund the first phase of the program. In 2000, the City issued Water and Sewer Revenue Bonds for \$54,310,000 to fund the second phase of the program. The projects to be funded from the Gulf Breeze Loan proceeds include improvements to correct pressure/flow problems within specified neighborhoods through the replacement of galvanized iron water pipe and rehabilitation of tuberculated water mains.

Rate increases of 2.25% per year from 2001 through 2005, were established with the issuance of the Series 2000 Water and Sewer Revenue Bonds.

Finance and Citywide Projects Committee Meeting of December 21, 2005

The Finance and Citywide Projects Committee approved the proposed refinancing of the Series 1995 Water and Sewer Revenue Bonds and the issue of approximately \$9.1 million in new money through a loan agreement with the Gulf Breeze Florida Local Government Loan Program. The Committee also instructed the Administration to return to the Committee with a sequencing schedule of water and sewer projects and a schedule outlining the funds anticipated to be needed in order to complete the capital program. Additionally, they requested from the Administration a recommendation regarding the possible addition of \$13.9 million to the new money portion of the transaction.

The Committee also approved the Administration's recommendation to grant a waiver to allow Richard Montalbano, Managing Director for RBC Capital Markets who currently represents the City as Financial Advisor; to serve as remarketing agent to the Gulf Breeze Program for this transaction. Mr. Montalbano has acted as the exclusive remarketing agent for the City of Gulf Breeze Florida Local Government Loan Pool since 1999. Additionally, Mr. Montalbano will provide the City with full disclosure regarding the proposed change in his role from financial advisor to underwriter.

The Committee also approved that J.W. Howard, Bear Stearns, currently serving as one of the City's investment bankers, to serve as the City's Financial Advisor for this transaction. Mr. Howard served as the City's Financial Advisor for the prior Gulf Breeze Program loan and is very familiar with the loan documents and remarketing procedures. Additionally, Mr.

Howard has agreed to accept the compensation in accordance with the terms of our current agreement with RBC Dain Rauscher.

Finance and Citywide Projects Committee Meeting of February 16, 2006

The Finance and Citywide Projects Committee unanimously approved the refinancing of the outstanding Series 1995 Water and Sewer Revenue Bonds along with the issuance of an additional \$13.9 Million in new money bringing the total amount of new money to \$24 million.

JMG/PDW/rvd

A handwritten signature in black ink, appearing to be 'R.D.' or similar, with a long horizontal stroke extending to the right.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AUTHORIZING FOUR LOANS FROM THE CITY OF GULF BREEZE, FLORIDA LOCAL GOVERNMENT LOAN POOL PROGRAM AND, AS EVIDENCE OF SUCH LOANS, THE ISSUANCE OF (i) NOT TO EXCEED \$18,300,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF MIAMI BEACH, FLORIDA WATER AND SEWER REVENUE BONDS, TAXABLE SERIES 2006B-2, AND NOT TO EXCEED \$5,700,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF MIAMI BEACH, FLORIDA WATER AND SEWER REVENUE BONDS, TAXABLE SERIES 2006E, FOR THE PRINCIPAL PURPOSE OF PAYING THE COST OF CERTAIN IMPROVEMENTS TO THE WATER AND SEWER UTILITY, PURSUANT TO SECTION 209 OF RESOLUTION NO. 95-21585 ADOPTED BY THE CITY ON MAY 17, 1995, AND (ii) NOT TO EXCEED \$8,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF MIAMI BEACH, FLORIDA WATER AND SEWER REVENUE REFUNDING BONDS, TAXABLE SERIES 2006B-1, AND NOT TO EXCEED \$27,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF MIAMI BEACH, FLORIDA WATER AND SEWER REVENUE REFUNDING BONDS, TAXABLE SERIES 2006C, FOR THE PRINCIPAL PURPOSE OF REFUNDING ALL OR A PORTION OF THE CITY'S OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 1995, PURSUANT TO SECTION 210 OF SAID RESOLUTION NO. 95-21585; PROVIDING THAT SAID LOANS AND SERIES 2006 BONDS SHALL BE PAYABLE SOLELY AS PROVIDED IN SAID RESOLUTION NO. 95-21585, CERTAIN LOAN AGREEMENTS RELATING TO THE LOANS AND THIS RESOLUTION; PROVIDING CERTAIN DETAILS OF THE LOANS AND THE SERIES 2006 BONDS; DELEGATING OTHER DETAILS AND MATTERS IN CONNECTION WITH THE LOANS, THE ISSUANCE OF THE SERIES 2006 BONDS AND THE REFUNDING OF THE BONDS TO BE REFUNDED, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; AUTHORIZING THE NEGOTIATED BORROWING AND SALE OF THE SERIES 2006 BONDS, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION, AUTHENTICATION AND DELIVERY OF THE SERIES 2006 BONDS; APPOINTING A BOND REGISTRAR FOR THE SERIES 2006 BONDS; APPROVING THE FORMS OF AND AUTHORIZING THE EXECUTION OF THE LOAN AGREEMENTS; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF THE SERIES 2006 BONDS AND CREATING CERTAIN FUNDS AND ACCOUNTS; AUTHORIZING THE REFUNDING, DEFEASANCE AND, AS APPLICABLE, REDEMPTION OF THE BONDS TO BE REFUNDED; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT AND APPOINTING AN ESCROW AGENT; APPROVING THE FORMS OF AND USE OF CERTAIN DISCLOSURE

INFORMATION; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE; APPROVING AND RATIFYING THE RETENTION OF A FINANCIAL ADVISOR; AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY RELATED ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach, Florida (the “City”) currently owns, maintains and operates a Water and Sewer Utility (as such term and all other capitalized terms used in this resolution and not defined herein are defined in the hereinafter described Original Resolution or Loan Agreements); and

WHEREAS, the City has heretofore issued its (i) \$59,060,000 original principal amount of City of Miami Beach, Florida Water and Sewer Revenue Bonds, Series 1995, currently Outstanding in the principal amount of \$36,660,000 (the “Outstanding Series 1995 Bonds”), pursuant to Resolution No. 95-21585 adopted by the Commission on May 17, 1995 (the “Original Resolution” and as amended and supplemented from time to time, the “Bond Resolution”), and (ii) \$54,310,000 original principal amount of City of Miami Beach, Florida Water and Sewer Revenue Bonds, Series 2000, all of which are currently Outstanding, pursuant to the Original Resolution and Resolution No. 2000-24041 adopted by the Commission on July 26, 2000; and

WHEREAS, the City has determined that certain capital improvements to the Water and Sewer Utility as more particularly described in Exhibit A attached hereto and made a part hereof (collectively, the “Series 2006 Project”) are necessary and desirable for the furtherance of the health, safety and welfare of the users of the Water and Sewer Utility and the residents of the City; and

WHEREAS, the City of Gulf Breeze, Florida (the “Sponsor”), has established a loan pool program (the “Program”) for the purpose of financing and refinancing certain projects of participating local governmental entities situated in the State of Florida; and

WHEREAS, the City has determined that it is financially beneficial to borrow funds from the Program pursuant to two loans to be made by the Sponsor to the City thereunder in an aggregate principal amount not to exceed \$18,300,000 (the “Series 2006B-2 Loan”) and in an aggregate principal amount not to exceed \$5,700,000 (the “Series 2006E Loan” and together with the Series 2006B-2 Loan, the “Series 2006 Project Loans”) to pay, together with any other available moneys of the City, the Cost of the Series 2006 Project; and

WHEREAS, to evidence its obligation to repay the Series 2006B-2 Loan, the City will execute and deliver a Loan Agreement (the “Series 2006B-2 Loan Agreement”) and issue a Series of Additional Bonds under the Bond Resolution as described below, and to evidence its obligation to repay the Series 2006E Loan, the City will execute and deliver a Loan Agreement (the “Series 2006E Loan Agreement” and together with the Series 2006B-2 Loan Agreement, the “Series 2006 Project Loan Agreements”) and issue a Series of Additional Bonds under the Bond Resolution as described below; and

WHEREAS, Section 209 of the Original Resolution provides for the issuance of Additional Bonds under the Bond Resolution for the principal purpose of paying all or any part of the Cost of any Improvements, upon meeting certain conditions contained in said Section 209; and

WHEREAS, the Series 2006 Project constitutes Improvements under the Bond Resolution; and

WHEREAS, the City has determined to issue with respect to the Series 2006B-2 Loan, a Series of Additional Bonds (the “Series 2006B-2 Bonds”), and to issue with respect to the Series 2006E Loan, a Series of Additional Bonds (the “Series 2006E Bonds” and together with the Series 2006B-2 Bonds, the “Series 2006 Project Bonds”), pursuant to the provisions of Section 209 of the Original Resolution and this resolution, which constitutes a Series Resolution for each Series of the Series 2006 Project Bonds under the Bond Resolution, for the purpose of paying, together with any other available moneys of the City, the Cost of the Series 2006 Project; and

WHEREAS, the City has further determined that it is financially beneficial to authorize the refunding of all or a portion of the Outstanding Series 1995 Bonds, as shall be determined by the Mayor in accordance with the provisions of this resolution (the Outstanding Series 1995 Bonds to be refunded hereinafter referred to as the “Bonds to be Refunded”); and

WHEREAS, the City has determined that it is financially beneficial to borrow funds from the Program pursuant to two loans to be made by the Sponsor to the City thereunder in an aggregate principal amount not to exceed \$8,500,000 (the “Series 2006B-1 Loan”) and in an aggregate principal amount not to exceed \$27,500,000 (the “Series 2006C Loan” and together with the Series 2006B-1 Loan, the “Refunding Loans;” the Refunding Loans and the Series 2006 Project Loans are collectively referred to herein as the “Loans”) to refund, together with any available moneys of the City, the Bonds to be Refunded; and

WHEREAS, to evidence its obligation to repay the Series 2006B-1 Loan, the City will execute and deliver a Loan Agreement (the “Series 2006B-1 Loan Agreement”) and issue a Series of Refunding Bonds under the Bond Resolution as described below, and to evidence its obligation to repay the Series 2006C Loan, the City will execute and deliver a Loan Agreement (the “Series 2006C Loan Agreement” and together with the Series 2006B-1 Loan Agreement, the

“Refunding Loan Agreements;” the Refunding Loan Agreements and the Series 2006 Project Loan Agreements are collectively referred to herein as the “Loan Agreements”) and issue a Series of Refunding Bonds under the Bond Resolution as described below; and

WHEREAS, Section 210 of the Original Resolution provides for the issuance of Refunding Bonds for the principal purpose of providing funds for refunding all or any portion of the Outstanding Bonds of any one or more Series, upon meeting certain conditions contained in said Section 210; and

WHEREAS, in accordance with the requirements of Section 210 of the Original Resolution, the Commission hereby determines that the refunding of the Bonds to be Refunded is in the best interests of the City and the users of the Water and Sewer Utility as it will result in debt service savings which will lower the cost of operating the Water and Sewer Utility and be financially beneficial to the City and the users of the Water and Sewer Utility; and

WHEREAS, the City has determined to issue with respect to the Series 2006B-1 Loan, a Series of Refunding Bonds (the “Series 2006B-1 Bonds”), and to issue with respect to the Series 2006C Loan, a Series of Refunding Bonds (the “Series 2006C Bonds” and together with the Series 2006B-1 Bonds, the “Series 2006 Refunding Bonds;” the Series 2006 Refunding Bonds and the Series 2006 Project Bonds are collectively referred to herein as the “Series 2006 Bonds”), pursuant to the provisions of Section 210 of the Original Resolution and this resolution, which constitutes a Series Resolution for each Series of the Series 2006 Refunding Bonds under the Bond Resolution, for the purpose of providing funds, together with any other available moneys of the City, for refunding, defeasing and, as applicable, redeeming the Bonds to be Refunded, including the payment of redemption premium thereon, if any, and interest to accrue

to their maturity and/or redemption dates, and paying the expenses incurred in such issuance, refunding, defeasance and redemption (collectively, the “Refunding Requirements”); and

WHEREAS, the Commission has determined that it is in the best interest of the City to delegate to the Mayor, who shall rely upon the recommendations of the Chief Financial Officer of the City (the “Chief Financial Officer”), who is the officer succeeding to the principal functions of the Finance Director, and Bear, Stearns & Co. Inc., acting as the City’s financial advisor (the “Financial Advisor”), the determination of various terms of the Loans and the Series 2006 Bonds, the determination of the Outstanding Series 1995 Bonds which will constitute the Bonds to be Refunded, the determination of which Bonds to be Refunded will be redeemed prior to maturity, and other actions in connection with the Loans, the issuance of the Series 2006 Bonds and the refunding, defeasance and, as applicable, redemption of the Bonds to be Refunded, all as provided and subject to the limitations contained herein; and

WHEREAS, the City has determined that a negotiated borrowing under the Program and sale of the Series 2006 Bonds as described in the Loan Agreements and herein is in the best interest of the City (rather than a sale through competitive bidding) because the Program offers (i) borrowing at lower costs than those which the City could command in the market and (ii) flexibility of financing which could not be obtained in a sale through competitive bidding; and

WHEREAS, the City has determined that the Loans and the issuance of the Series 2006 Bonds for the purposes described in the resolution will serve a valid public and municipal purpose.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. The above recitals are incorporated herein as findings.

SECTION 2. Subject to the provisions contained in this resolution and the provisions of the respective Loan Agreements, the Bond Resolution and the respective Series 2006 Bonds, the Loans are hereby authorized and approved.

SECTION 3. (a) With respect to the Series 2006B-2 Loan, a Series of Additional Bonds of the City in an aggregate principal amount not to exceed \$18,300,000 is authorized to be issued pursuant to, and subject to the conditions of, Section 209 of the Original Resolution and the authority granted to the City by the Act and Chapter 159, Part VII, Florida Statutes, as amended (the "Taxable Bond Act"), for the purpose of paying, together with proceeds of the Series 2006E Bonds and any other available moneys of the City, the Cost of the Series 2006 Project as described in Exhibit A hereto. The Series 2006B-2 Bonds shall be designated "City of Miami Beach, Florida Water and Sewer Revenue Bonds, Taxable Series 2006B-2," shall be issued as Current Interest Bonds, shall be issued in fully registered form as provided in Section 202 of the Original Resolution, shall be in denominations with respect to each maturity of such Series 2006B-2 Bonds equal to the then Outstanding principal amount of such maturity and shall be numbered R-1 upwards.

(b) With respect to the Series 2006E Loan, a Series of Additional Bonds of the City in an aggregate principal amount not to exceed \$5,700,000 is authorized to be issued pursuant to, and subject to the conditions of, Section 209 of the Original Resolution and the authority granted to the City by the Act and the Taxable Bond Act, for the purpose of paying, together with proceeds of the Series 2006B-2 Bonds and any other available moneys of the City, the Cost of the Series 2006 Project as described in Exhibit A hereto. The Series 2006E Bonds shall be designated "City of Miami Beach, Florida Water and Sewer Revenue Bonds, Taxable Series 2006E," shall be issued as Current Interest Bonds, shall be issued in fully registered form as

provided in Section 202 of the Original Resolution, shall be in denominations with respect to each maturity of such Series 2006E Bonds equal to the then Outstanding principal amount of such maturity and shall be numbered R-1 upwards.

(c) With respect to the Series 2006B-1 Loan, a Series of Refunding Bonds of the City in an aggregate principal amount not to exceed \$8,500,000 is authorized to be issued pursuant to, and subject to the conditions of, Section 210 of the Original Resolution and the authority granted to the City by the Act and the Taxable Bond Act, for the purpose of providing funds, together with proceeds of the Series 2006C Bonds and any other available moneys of the City, to pay the Refunding Requirements. The Series 2006B-1 Bonds shall be designated “City of Miami Beach, Florida Water and Sewer Revenue Refunding Bonds, Taxable Series 2006B-1,” shall be issued as Current Interest Bonds, shall be issued in fully registered form as provided in Section 202 of the Original Resolution, shall be in denominations with respect to each maturity of such Series 2006B-1 Bonds equal to the then Outstanding principal amount of such maturity and shall be numbered R-1 upwards.

(d) With respect to the Series 2006C Loan, a Series of Refunding Bonds of the City in an aggregate principal amount not to exceed \$27,500,000 is authorized to be issued pursuant to, and subject to the conditions of, Section 210 of the Original Resolution and the authority granted to the City by the Act and the Taxable Bond Act, for the purpose of providing funds, together with proceeds of the Series 2006B-1 Bonds and any other available moneys of the City, to pay the Refunding Requirements. The Series 2006C Bonds shall be designated “City of Miami Beach, Florida Water and Sewer Revenue Refunding Bonds, Taxable Series 2006C,” shall be issued as Current Interest Bonds, shall be issued in fully registered form as provided in Section 202 of the Original Resolution, shall be in denominations with respect to each maturity

of such Series 2006C Bonds equal to the then Outstanding principal amount of such maturity and shall be numbered R-1 upwards.

(e) Each Series of the Series 2006 Bonds shall be issued in such aggregate principal amount, shall be dated and issued at such time or times, shall be in the form of Serial Bonds and/or Term Bonds, shall have such Interest Payment Dates, shall bear interest at such rates, but not to exceed the maximum rate permitted by law, shall be stated to mature on such dates, but not later than December 31, 2020, as to any Term Bonds, shall have Amortization Requirements payable in such amounts and on such dates, and shall be subject to redemption and/or prepayment prior to maturity, if any, all as shall be determined by the Mayor, after consultation with the Chief Financial Officer and the Financial Advisor, and specified in the Series 2006 Bonds and/or the Loan Agreements. Term Bonds, if any, will be callable at par, without premium, each year in amounts equal to the respective Amortization Requirements therefor. Principal of and interest and redemption premium, if any, on the Series 2006 Bonds shall be payable in accordance with the provisions of the Bond Resolution as modified by the provisions of the Series 2006 Bonds and the Loan Agreements. The execution and delivery of the Series 2006 Bonds and the Loan Agreements shall be conclusive evidence of the City's approval of the details of the Series 2006 Bonds.

SECTION 4. In accordance with the provisions of the Bond Resolution and the Loan Agreements, the Loans and the Series 2006 Bonds shall be limited obligations of the City payable solely from the Net Revenues and, to the extent provided in the Bond Resolution and the Loan Agreements, from certain Funds and Accounts which are pledged to the payment thereof in the manner provided in the Bond Resolution and the Loan Agreements, and nothing shall be construed as obligating the City to pay the Loans and the Series 2006 Bonds except from the Net

Revenues and, to the extent provided in the Bond Resolution and the Loan Agreements, said Funds and Accounts or as pledging the full faith and credit of the City or any form of taxation whatever to such payments; provided, however, that notwithstanding anything to the contrary contained in the Bond Resolution, the Loans and the Series 2006 Bonds shall not be secured by, nor payable from, the Reserve Account.

SECTION 5. For the reasons set forth in the preambles to this resolution, the negotiated borrowing under the Program and sale of the Series 2006 Bonds as described in the Loan Agreements and herein is in the best interest of the City. Upon compliance with the requirements of Section 218.385, Florida Statutes, as amended, the award of the Series 2006 Bonds to the Sponsor is hereby authorized at a purchase price (not including original issue premium or original issue discount) of not less than 99% of the aggregate principal amount of the Series 2006 Bonds and at a true interest cost rate not to exceed 4.78%, as shall be determined by the Mayor, after consultation with the Chief Financial Officer and the Financial Advisor. The execution and delivery of the Series 2006 Bonds and the Loan Agreements shall be conclusive evidence of the City's approval of the negotiated borrowing under the Program and sale and award of the Series 2006 Bonds in accordance with the provisions of this resolution, including specifically this Section 5.

SECTION 6. The Series 2006 Bonds shall be in substantially the forms attached to the Loan Agreements, subject to such changes, modifications, insertions and omissions and such filling-in of blanks therein as shall be approved by the Mayor, after consultation with the Chief Financial Officer and the City Attorney. The Series 2006 Bonds shall be issued in certificated form, registered in the name of SunTrust Bank, as Trustee (the "Trustee"), as assignee of the Sponsor, and shall be executed in the manner provided in the Bond Resolution. The execution

and delivery of the Series 2006 Bonds shall be conclusive evidence of the City's approval of the Series 2006 Bonds.

SECTION 7. SunTrust Bank is hereby appointed as Bond Registrar for the Series 2006 Bonds.

SECTION 8. The Bond Registrar is hereby authorized and directed to authenticate the Series 2006 Bonds and to deliver the Series 2006 Bonds to or upon the order of the Sponsor upon payment of the purchase price and satisfaction of the conditions contained in Section 209 and Section 210, as applicable, of the Original Resolution.

SECTION 9. The Loan Agreements, in substantially the forms presented at the meeting at which this resolution was considered, subject to such changes, modifications, insertions and omissions and such filling-in of blanks therein as shall be approved by the Mayor, after consultation with the Chief Financial Officer and the City Attorney, are hereby approved. The City hereby authorizes the Mayor and the City Clerk to execute and deliver the Loan Agreements. The execution and delivery of the Loan Agreements shall be conclusive evidence of the City's approval of the Loan Agreements.

SECTION 10. (a) The proceeds of the Series 2006 Bonds and, to the extent determined by the Chief Financial Officer, moneys on deposit in the Debt Service Account on account of the Bonds to be Refunded shall be applied in accordance with the provisions of Section 209 and Section 210, as applicable, of the Original Resolution and this resolution, all as shall be specified in the Loan Agreements and the Escrow Deposit Agreement (hereinafter defined).

(b) In accordance with the provisions of the Bond Resolution, there is hereby created within the Construction Fund a "Series 2006B-2 Construction Account" for the deposit of proceeds of the Series 2006B-2 Bonds to be applied to the payment of the Cost of the Series

2006 Project, other than the portion thereof representing expenses incurred in connection with entering into the Series 2006B-2 Loan and the issuance of the Series 2006B-2 Bonds and paid by the Trustee from proceeds of the Series 2006B-2 Bonds.

(c) In accordance with the provisions of the Bond Resolution, there is hereby created within the Construction Fund a "Series 2006E Construction Account" for the deposit of proceeds of the Series 2006E Bonds to be applied to the payment of the Cost of the Series 2006 Project, other than the portion thereof representing expenses incurred in connection with entering into the Series 2006E Loan and the issuance of the Series 2006E Bonds and paid by the Trustee from proceeds of the Series 2006E Bonds.

(d) In accordance with the provisions of the Bond Resolution, there is to be created pursuant to the Escrow Deposit Agreement a "City of Miami Beach, Florida Water and Sewer Revenue Bonds, Series 1995 Escrow Deposit Trust Fund" (the "Escrow Deposit Trust Fund"), to be held by the Escrow Agent (hereinafter defined), for the deposit of proceeds of the Series 2006 Refunding Bonds and any other available moneys to be applied as shall be provided in the Escrow Deposit Agreement.

(e) The proceeds of the Series 2006 Bonds shall be invested in accordance with the provisions of Section 602 of the Original Resolution and the Loan Agreements as determined by the Chief Financial Officer; provided, however, that the portion of the proceeds of the Series 2006 Refunding Bonds and other available moneys deposited in the Escrow Deposit Trust Fund shall be invested as provided in Section 11 of this resolution and in the Escrow Deposit Agreement.

SECTION 11. The refunding, defeasance and, as applicable, redemption of the Bonds to be Refunded is hereby authorized and approved. The Mayor, after consultation with the Chief

Financial Officer and the Financial Advisor, is hereby authorized to determine the Outstanding Series 1995 Bonds which will constitute the Bonds to be Refunded and the Bonds to be Refunded which will be redeemed prior to maturity, all as shall be set forth in the Escrow Deposit Agreement. The Mayor and the City Clerk are hereby authorized to execute and deliver an Escrow Deposit Agreement to provide for the defeasance, payment and, as applicable, redemption of the Bonds to be Refunded (the "Escrow Deposit Agreement") with U.S. Bank National Association, which is hereby appointed escrow agent with respect to the Bonds to be Refunded (the "Escrow Agent"), in substantially the form presented at the meeting at which this Series Resolution was considered, subject to such changes, modifications, insertions and omissions and such filling-in of blanks therein as shall be approved by the Mayor, after consultation with the Chief Financial Officer and the City Attorney. The purchase of Government Obligations from the proceeds of the Series 2006 Refunding Bonds and other available moneys in order to provide for the defeasance, payment and, as applicable, redemption of the Bonds to be Refunded is hereby authorized and approved. The execution and delivery of the Escrow Deposit Agreement by the Mayor and City Clerk shall be conclusive evidence of the City's approval of the Outstanding Series 1995 Bonds which will constitute the Bonds to be Refunded, the redemption prior to maturity of any Bonds to be Refunded, the Escrow Deposit Agreement and the purchase of the Government Obligations.

SECTION 12. The appendices to the Sponsor's Preliminary Remarketing Circular and final Remarketing Circular in connection with the remarketing of a portion of the Sponsor's Program Bonds (collectively, the "Remarketing Circulars") containing certain information regarding the Water and Sewer Utility and the City (collectively, the "Appendices"), in substantially the forms presented at the meeting at which this resolution was considered, subject

to such changes, modifications, insertions and omissions and such filling-in of blanks therein as shall be approved by the Chief Financial Officer, after consultation with the City Attorney, are hereby approved. The inclusion of the Appendices and the City's latest available audited financial statements in the Remarketing Circulars is hereby authorized.

SECTION 13. The Continuing Disclosure Certificate (the "Continuing Disclosure Certificate"), in substantially the form presented at the meeting at which this resolution was considered, subject to such changes, modifications, insertions and omissions and such filling-in of blanks therein as shall be approved by the Chief Financial Officer, after consultation with the City Attorney, is hereby approved. The City hereby authorizes the Chief Financial Officer to execute and deliver the Continuing Disclosure Certificate. The execution and delivery of the Continuing Disclosure Certificate shall be conclusive evidence of the City's approval of the Continuing Disclosure Certificate.

SECTION 14. The retention of Bear, Stearns & Co. Inc. as the City's financial advisor in connection with the Loans, the issuance of the Series 2006 Bonds and the refunding, defeasance and, as applicable, redemption of the Bonds to be Refunded is hereby approved and ratified.

SECTION 15. No covenant, stipulation, obligation or agreement contained in this resolution or in the Bond Resolution, the Series 2006 Bonds, the Loan Agreements, the Escrow Deposit Agreement or the Continuing Disclosure Certificate shall be deemed to be a covenant, stipulation, obligation or agreement of any member, official, officer, agent or employee of the City or the Commission in its individual capacity, and neither the members of the Commission nor any officials or officers executing the Series 2006 Bonds, the Loan Agreements, the Escrow

Deposit Agreement or the Continuing Disclosure Certificate shall be liable personally or be subject to any personal liability or accountability.

SECTION 16. Except as otherwise expressly provided in this resolution or in the Bond Resolution, the Series 2006 Bonds, the Loan Agreements, the Escrow Deposit Agreement or the Continuing Disclosure Certificate, nothing in this resolution or in such documents, expressed or implied, is intended or shall be construed to confer upon any person, firm or corporation other than, as applicable, the City, the Administrator, Financial Guaranty Insurance Company (the "Credit Facility Issuer"), the Sponsor, the Trustee, the Bond Registrar, the Escrow Agent and, with respect to the Continuing Disclosure Certificate, the other parties described in said document, any rights, remedy or claim, legal or equitable, under and by reason of this resolution or such documents, this resolution and such documents intended to be and being for the sole and exclusive benefit, as applicable, of the City, the Administrator, the Credit Facility Issuer, the Sponsor, the Trustee, the Bond Registrar, the Escrow Agent and, with respect to the Continuing Disclosure Certificate, the other parties described in said document.

SECTION 17. The City covenants and agrees that this resolution shall constitute a contract between the City and the owners from time to time of the Series 2006 Bonds and that all covenants and agreements set forth in this resolution, the Series 2006 Bonds and the Loan Agreements to be performed by the City shall be for the equal and ratable benefit and security of all owners of the Series 2006 Bonds.

SECTION 18. If any one or more of the covenants, agreements or provisions contained in this resolution shall be held contrary to any express provisions of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void

and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way affect the validity of any of the other provisions of this resolution or the Bond Resolution, the Series 2006 Bonds, the Loan Agreements, the Escrow Deposit Agreement or the Continuing Disclosure Certificate.

SECTION 19. The officers, agents and employees of the City, the Bond Registrar and the Escrow Agent are hereby authorized and directed to do all acts and things and execute and deliver all documents, agreements and certificates required of them by the provisions of the Series 2006 Bonds, the Bond Resolution, the Loan Agreements, the Escrow Deposit Agreement, the Continuing Disclosure Certificate and this resolution, for the full, punctual and complete performance of all the terms, covenants, provisions and agreements of the Series 2006 Bonds, the Bond Resolution, the Loan Agreement, the Escrow Deposit Agreement, the Continuing Disclosure Certificate and this resolution.

SECTION 20. This resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this _____ day of _____, 2006.


Mayor

(Seal)

Attest:

City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney 3/3/06
Date

Due to the volume of the document, Exhibit "A" is not included in the agenda package.

Exhibit "A" is available for review in the City Clerk's Office.

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Condensed Title:

A Resolution Of Approving The Agreement With IBM For The Design, Deployment, And Management Of A Citywide Wireless Network (Wi-Fi); Acceptance Of Public Benefits Offered By IBM; Authorizing The Mayor And City Clerk To Execute An Agreement With IBM; And Further Appropriating Funds In The Amount Of \$1,886,652 From The Information And Communication Technology Fund.

Key Intended Outcome Supported:

Improve process through Information Technology; and Increase community satisfaction with City services.

Issue:

Shall the City Commission Approve the Resolution?

Item Summary/Recommendation:

The Mayor and Members of the City Commission (the "City Commission") at its December 7, 2005 meeting adopted Resolution No. 2005-26084, which directed the Administration to negotiate simultaneously, with both International Business Machines (IBM) and Wireless Facilities, Inc. (WFI). Additionally, the City Commission directed the Administration to perform a pilot test of both IBM's and WFI's networks.

The City's WiFi Consultant, Civitium's bottom line regarding the pilot testing is that both networks performed well with no significant differences given the variations in Radio Frequency (RF) environment and land use. **The IBM proposed 2.4 GHz Tropos solution for meshing and access layer offers the advantage of built-in 8-10 hour back-up battery that can accommodate 480 volts of power on the streetlight poles in the South Beach area.**

It is important to note that IBM demonstrated a great understanding of the City's needs and clearly desires to establish a long term win-win relationship with the City. During the negotiations' process, the City was successful in lowering the proposed cost as presented to the City Commission on December 7, 2005, from \$5,690,154 to \$5,167,800, a savings to the City of \$526,372.

IBM's best and final price is \$125,389 lower than WFI's best and final price, and includes significant difference in added value in public benefits; IBM -- \$5,167,800; and WFI -- \$5,293,189

Advisory Board Recommendation:**Financial Information:**

Source of Funds:	Amount	Account	Approved
1	\$1,886,652	Information and Communication Technology Fund.	
2			
3			
4			
Total			

OBPI

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Gus Lopez, ext. 6641

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL GA	PDW <i>[Signature]</i>	JMG <i>[Signature]</i>



MIAMIBEACH

AGENDA ITEM R7D
DATE 3-8-06



MIAMIBEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE AGREEMENT BETWEEN INTERNATIONAL BUSINESS MACHINES (IBM) CORPORATION AND THE CITY OF MIAMI BEACH, FOR THE DESIGN, DEPLOYMENT, AND MANAGEMENT OF A CITYWIDE WIRELESS NETWORK (Wi-Fi); IN THE BASE ESTIMATED AMOUNT OF \$4,498,800, WHICH INCLUDES THE COST FOR THE NETWORK INFRASTRUCTURE, ARCHITECTURE AND DESIGN SERVICES, INSTALLATION, AND SIX (6) YEARS OF OPERATION, MAINTENANCE, PROJECT MANAGEMENT, SUPPORT AND WARRANTY SERVICES; OPTION NO. 2 FOR A 100% CITYWIDE ACCESS IN THE ESTIMATED AMOUNT OF \$669,000; PROJECT CONTINGENCY IN THE AMOUNT OF \$248,771; ACCEPTANCE OF PUBLIC BENEFITS OFFERED BY IBM; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH IBM; AND FURTHER APPROPRIATING FUNDS IN THE AMOUNT OF \$1,886,652 FROM THE INFORMATION AND COMMUNICATION TECHNOLOGY FUND.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

FUNDING

The Information and Communication Technology Fund appropriation for Fiscal Year (FY) 05/06 cost consists of the following: 1) \$1,449,509 for capital equipment plus a 20% contingency of \$248,771 for a total capital cost of \$1,698,290; 2) Option 2 (100% Citywide access capital cost of \$56,160; and 3) operating costs of \$132,212 for FY 05/06. The FY 06/07 through FY 11/12 operating costs of \$3,529,919, will be funded from Information and Communication Technology Fund future budgets.

ANALYSIS

The Mayor and Members of the City Commission (the "City Commission") at its December 7, 2005 meeting adopted Resolution No. 2005-26084, which directed the Administration to negotiate simultaneously, with both International Business Machines (IBM) and Wireless Facilities, Inc. (WFI). Additionally, the City Commission directed the Administration to perform a pilot test of both IBM's and WFI's networks.

PILOT TEST

The Administration provided both IBM and WFI with four (4) proposed sites for their selection and ranking in order of preference – one being the most preferable and number four being the least preferable.

IBM selected Location A, South Beach, and WFI selected Location C, Middle Beach. It was subsequently discovered that there did not exist a sufficient number of City-owned street poles for WFI to deploy their network in Middle Beach. Therefore, both IBM and WFI were informed and afforded an opportunity to select another location. IBM elected to pilot their network in South Beach, and WFI elected to pilot their network in North Beach.

Both IBM and WFI were provided with the performance criteria for the pilot testing. See attachment labeled "Performance Criteria for City of Miami Beach Pilot Testing".

Both IBM and WFI were provided with the same timeline for pilot network implementation timetable which was considered and agreed to by both IBM and WFI. Additionally, both IBM and WFI were afforded an opportunity to participate in several conference calls between the Administration and our WiFi Consultant, Civitium, to ensure an understanding of the pilot testing criteria and process.

The City's WiFi Consultant, Civitium, and their test team partner, Wireless-nets, Ltd. (the "Test Team"), developed the test plan and led the testing efforts for the IBM and WFI pilot systems. The testing was conducted to assess IBM and WFI system's ability to support the technical requirements defined in RFP No. 36-04/05 for the Design, Deployment and Management of a Citywide Wireless Network.

The Test Team performed testing on the following dates: 1) IBM – January 30-31, 2006; and 2) WFI – February 1-2, 2006. The testing was accomplished during the hours of 9:00 a.m. and 8:00 p.m. each day.

On February 21, 2006, the Test Team submitted its procedures and findings in the attached report entitled "Municipal Wi-Fi Pilot Test Report". Both networks performed well with no significant differences given the variations in Radio Frequency (RF) environment and land use. The Test Team's Report is summarized as follows:

1. Connection Testing. The Test Team observed a packet trace of the communications taking place during the association process between the laptop and the mesh node for each configuration. There was no abnormal protocol behavior during the association processes.
2. Signal Coverage Testing. The IBM and WFI pilot systems both met signal coverage requirements as stated in the RFP. **It is important to note that the WFI system had the advantage of a much higher vantage point (rooftop**

approximately 15 stories high) for mounting the antennas at the headend. This allowed most if not all mesh nodes of the WFI system to be within line of sight of the headend antennas. The IBM system made use of a much lower rooftop (approximately 8 stories high) for mounting the headend antennas. Many of the mesh nodes within the IBM system were not within line of sight of the headend antennas. Obstructions such as trees and buildings were between mesh nodes, gateways, and the headend. Despite these issues, the signal coverage of the IBM pilot system met requirements and was just as good if not better than the WFI system.

3. **Performance Testing.** The IBM and WFI pilot systems exceeded the minimum 1 Mbps upstream and downstream throughput requirements stated in the RFP. The IBM and WFI pilot systems both have sufficient capacity to support 676 subscribers per square mile. This equates to approximately 20 subscribers per mesh node. The systems can both support this number of subscribers actively checking email and browsing the Internet simultaneously.
4. **Roaming Testing.** Due to traffic and speed limits, the maximum speed attained was 35 miles per hour when testing both pilot systems. Roaming was not seamless for both the IBM and the WFI systems. Both systems exhibited periodic disconnections from the network and average re-association times of up to a minute. Because the testing was done with a laptop and common radio card, these results are characteristic of typical user devices. This will mostly impact the downloading of larger files and the ability to support real-time voice applications while moving at vehicular speeds. Roaming would likely be better, however, if using a client device having a radio specially designed for roaming. There were no issues with seamless roaming on either system when traveling at pedestrian speeds through the pilot test areas. **However, IBM's proposal includes a NetMotion solution for session persistence for 600 licenses for usage by City employees.**
5. **Battery Backup Testing.** The IBM and WFI pilot systems demonstrated the ability to remain in operation for at least 1 hour after the electrical power was removed.

The Testing Team's bottom line regarding the pilot testing is that both networks performed well with no significant differences given the variations in Radio Frequency (RF) environment and land use.

CONTRACT DISCUSSIONS

The contract discussions with both IBM and WFI were conducted in an open, fair and competitive process, with focus on achieving the City's goals and objectives of providing:

- 1) A universal, robust, and secure wireless broadband throughout the City at a level sufficient to support public safety and other government use; and 2) provide free hot zones at the specified locations for public access.

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The City's Chief Financial Officer (CFO) led the contract discussions with both IBM and WFI, and was assisted by Civitium, the Law Firm of Leibowitz and Associates, and members of the Information Technology Department and the City's Procurement Director.

After numerous contract discussions over the past several months with IBM and WFI, on February 21, 2006, both IBM and WFI submitted their best and final offers. Based on an analysis of IBM's and WFI's best and final offers, the Administration and our WiFi Consultant, Civitium, determined that IBM's offer is the best value solution for the City's WiFi initiative.

It is important to note that IBM demonstrated a great understanding of the City's needs and clearly desires to establish a long term win-win relationship with the City. **During the negotiations' process, the City was successful in lowering the proposed cost as presented to the City Commission on December 7, 2005, from \$5,690,154 to \$5,167,800, a savings to the City of \$526,372.**

IBM's best and final price is \$125,389 lower than WFI's best and final price, and includes significant difference in added value in public benefits.

IBM -- \$5,167,800

WFI -- \$5,293,189

The IBM proposed 2.4 GHz Tropos solution for meshing and access layer offers the advantage of built-in 8-10 hour back-up battery that can accommodate 480 volts of power. As a result, the City does not have to exercise option three (3) for battery back-up, or provide step-down power transformers to accommodate these devices on the streetlights in the South Beach area.

ADDED VALUE – PUBLIC BENEFITS

The City was very successful in obtaining from IBM "added value" by way of public benefits that provide significant value to the City's community. The "added value" public benefits include but are not limited to:

1. High Rise, Condominium and Hotel Installation Discount Program

- a. IBM will provide packaged pricing to Condominiums, Multiple Dwelling Units and Hotels referred by the City of Miami Beach for wireless access.
- b. Each multiple unit dwelling requires an inspection and determination of the most appropriate solution(s).
- c. Options for deployment:
 - i. Distributed Antenna Systems
 - ii. Wireless bridge from the City Wide wireless network
 - iii. Fiber, if available

- iv. Internal access points
- v. External wireless base station
- d. Packaged pricing
 - i. These prices are offered on a multiple unit basis.
 - ii. Pricing will be extended to the City of Miami Beach referrals at State of Florida Contract terms and pricing generally reserved for State and Local entities only.
 - iii. Current hardware discount rate associated with this solution is 25% off list price for the Alvarion equipment.
 - iv. Services will be offered at approximately 25% discount off list price with terms consistent with the State of Florida Services Contract on a fixed price basis.

2. Miami Beach Schools and Citywide Content Filtering Solution

The City of Miami Beach has requested a Content Filtering solution as an addition to the Citywide Wireless Network to enforce usage policies the City may wish to establish.

- a. IBM can provide the Websense Enterprise Suite as an enhancement to the WiFi Solution for filtering and reporting.
- b. IBM is proposing a filtering software and services bundle to include:
 - i. Websense Enterprise Suite
 - ii. Unlimited database downloads
 - iii. Software maintenance for filtering
 - iv. Monitoring and Reporting
 - v. Configuration and Integration Services into WiFi Network
 - vi. Standard Technical Support
- c. Special bundled pricing is offered for blocks of 2000 licenses and subscription term of 34 months.

Description	QTY	Per Seat List Price	Ext List Price	Discount	Extended Discounted Price
Websense Enterprise for 2,000 Internet Access Devices for 34 month subscription	2000	\$42.00	\$84,000.00	35%	\$54,600.00

3. IBM Community Outreach Commitment

IBM will work with the City of Miami Beach, Miami-Dade Schools, and other not for profits including organizations that provide services to the elderly at the City to

explore similar opportunities for community outreach as a commitment to our partnership. IBM will provide the following:

- a. Promote Technology Careers in the Classroom Program
 - i. IBM will provide three one to two hour labs per year to introduce the children of the City of Miami Beach to the range of exciting, profitable careers in engineering and IT.
 - ii. These labs are available to any of the City's Schools or Community Centers.
 - iii. The presentations and labs can be offered to the City's children from ages 11 to 17. The content, presentation, and activities will be tailored to the target age group.
 - iv. There are four engaging presentations to choose from and each includes hands-on activities and will make the school or community center visit fun, easy and successful. Presentations and activities include:
 - Encourage math & science – children 11-14
 - Encourage math & science – children 14-17
 - Preparing for an IT career
 - Preparing students presentation
 - Preparing students presentation (with animation)
 - IT Careers: Getting started and activities guide
 - IT Careers: Workplace simulation
 - IT Careers: Jobs overview
 - IT Careers: Discussion starters
 - v. These sessions will be conducted by qualified IBM employees who are engineers or IT Professionals that have completed the 2 hour training requirement to lead these workshops.
- b. Technology Workshops and Training for Teacher, Community Center Personnel, Adults and Seniors
 - i. IBM will provide 3 technology training workshops per year
 - ii. These workshops are available to any of the City's Schools, Community Centers, or senior homes.
 - iii. The workshops will be targeted and customized as applicable for teachers, education staff, parents or seniors.
 - iv. The purpose of these workshops is to help participants learn about acceptable Internet use and challenges/concerns about integrating technology into education or community programs
 - v. Each workshop can consist of any two of the following sessions plus Module 8 – City of Miami Beach WiFi Network Overview:
 - MODULE 1: Getting Connected
 - MODULE 2: Tips for Searching the Internet
 - MODULE 3: Downloading from the Internet
 - MODULE 4: Netiquette
 - MODULE 5: Internet Troubleshooting
 - MODULE 6: Fun things to do on the Internet
 - MODULE 7: Safety on the Net
 - MODULE 8: City of Miami Beach WiFi Network Overview

- vi. IBM will provide all the materials for each session including the presentation materials, participant handouts and activity worksheets.
- vii. IBM will coordinate the use of each facility's computer resources if required for a particular session.

4. Miami Beach Schools Technology Program

- a. IBM will provide thirty (30) PCs to the City of Miami Beach Commission to distribute specifically for the use of the underprivileged.
- b. IBM will donate these PCs to an existing 501.3c organization.

5. IBM Equipment Purchase Program at IBM Employee Pricing

- a. IBM will create and manage a customized Purchase Program portal site specifically for the City of Miami Beach and its residents to provide the same level of discount for IBM and Lenovo products available to IBM employees.
- b. Program is available to Miami Beach residents for personal use
- c. Program is available to Miami Beach City employees for personal use
- d. Discounts are in addition to special promotions.
- e. Purchasable items include notebooks, desktop PCs, monitors, keyboards and other accessories.

6. Capacity Injection for Events

Though the proposed network is designed to handle a higher user load than Miami Beach initially requested, there may be a need to augment capacity in areas where an event is concentrated.

The method IBM will use to deliver consistent service to the guests and residents of Miami Beach will be through the network operations center. IBM will baseline the network activity at all points of the network on a regular basis so that existing capacity can be gauged. As events are expected, IBM will be able to determine if excess capacity might be needed.

- 1. IBM will provide a capacity injection kit and will deploy it to a specific area where an event might warrant additional capacity.
 - a. The Capacity Injection Kit will consists of:
 - i. Quantity of 5 Tropos 5210 Metro Mesh Routers
 - ii. Quantity of 1 Alvarion 5.8GHz CPE (SU-A)Subscriber Unit
 - iii. Site survey
 - iv. Configuration and Implementation Services

2. Each capacity injection kit will provide up to 270mbps of additional capacity at the access layer and 45mbps at the backhaul layer.
3. The cost of the deployment and equipment for the capacity injection kit will be \$24,200 to \$30,000.
4. The price range and capacity estimates are contingent on:
 - a. The proximity to an existing backhaul aggregation point
 - b. Line of sight conditions to an existing backhaul aggregation point
 - c. Having sufficient capacity at the target backhaul aggregation point to handle the increase in capacity
 - d. Having adequate city supplied mounting infrastructure and power on which to deploy the injection capacity kit.
5. IBM will determine the best solution to provide the required capacity as the requirements for a specific event become available and the site survey is conducted.

7. Location Awareness Capability

IBM will explore the applicability of location tracking with the City of Miami Beach by evaluating various hardware and software solutions that run on the WiFi network at no charge to the City.

8. Wireless Connectivity for Causeway and Jail Routes

IBM will explore with the City various methods to establish "out of city" network connectivity for public safety officials who need to travel outside of the boundaries of the Miami Beach WiFi network.

- a. IBM will provide exploratory services in the amount of 100 hours to establish a desired solution.
- b. IBM will extend the State of Florida hardware contract pricing for the elements of the network being deployed in Miami Beach. This pricing is currently between 20% and 35% off of list price depending on the specific hardware. Options include:
 - i. Roam to another network via session persistence.
 - ii. Extend coverage through access point or base station technology deployments.

9. Mobile Building and Permitting

IBM will provide advisory consulting services up to 40 hours to the City of Miami Beach to determine the options to bring the permitting application into the field and onto the WiFi network.

10. WiFi-enabled Multi-space Parking Pay Stations

IBM will provide up to 100 hours of integration consulting support through to assist with bringing the parking meter solution onto the WiFi network. This includes such tasks as:

- a. Bench testing
- b. Integration into the terminal management system
- c. Field testing and validation of real time statistics
- d. Identification of work required to integrate the meters onto the wireless network

11. IBM Accessibility Technologies

IBM will provide a trial version and special pricing for a tool that is not commercially available to other organizations to improve accessibility of the Miami Beach web site. Capability includes:

- a. Downloadable software from the web site
- b. Unlimited number of users per web site
- c. Allows customizable color, sound effects
- d. Reads text aloud in 9 languages, with adjustable speed, volume control
- e. Purchase price: \$50,000 - \$60,000 Y1
- f. License and support services: \$16,000 - \$20,000 Y2 forward

12. Mobile Incident Command Trial

IBM will provide one NIMS 2.0 compliant Mobile Incident Command prototype for a trial period of 60 days.

Specifics of the trial include:

- a. 60 day trial duration
- b. One mobile hardware device, including, software, and support
- c. Solution is NIMS 2.0 compliant

13. Governmental and Packaged Solutions for Fixed Video and In-Car Video

The IBM team has developed comprehensive offerings for stationary and in-car

video capture for States and Local Governments. This includes digital video capture system, integration services, and data management software and hardware. Our offerings are backed by a team of skilled consultants and technologists to accomplish these complex solution objectives. We are well positioned to efficiently provide the equipment and related services to support the deployment of digital video system and the management of the video captured. In addition to our technology capabilities and knowledge, we have years of experience working with state and local law enforcement organizations nationwide.

- a. IBM will provide a free pilot the City of Miami Beach consisting of a 30 day trial for one car outfitted with one camera.
 - i. IBM will provide the server and storage required to capture up 6 hours of video at 15 frames per second. The video will be stored for 5 days during the pilot.
 - ii. One existing City of Miami Beach workstation will be set up to view the video.
 - iii. IBM will install the equipment in one City of Miami Beach vehicle.
 - iv. The City of Miami Beach will provide network connectivity for the server.
 - b. IBM has estimated the following pricing for future and potential Digital Video Solutions for Miami-Beach:
 - i. Stationary/Fixed Video --\$2,000-\$12,000 Per Camera (Minimum of 20 cameras)
 - OR -
 - ii. In-Car Digital Video--\$9,000 - \$10,000 Per Vehicle (Minimum of 20 vehicles)
 - iii. These estimates include all software and the server with internal storage based on the following assumptions:
 1. Mpeg 4 video is captured and stored at 15 frames per second using CIF (352x288) or QCIF2 (704x288) resolution (These are standard specifications in terms of format and quality for digital video surveillance.)
 2. A maximum of 6 hours of video is captured daily (A typical high end estimate is 2 hours of video per shift.)
 3. The video will be stored on the server for 30 days.
- For In-Car Video Solution the following assumptions and City of Miami Beach responsibilities apply:

1. The City of Miami Beach will utilize existing Mobile Data Terminals (i.e. laptops in vehicles) which have at least 5 GB of free space on their internal hard drive for storage.
2. IBM will determine whether the City's Mobile Data Terminals have the minimum requirements for the solution at the time of interest.
3. The video will only be stored on the Mobile Data Terminals for a maximum of 2 days before it is automatically uploaded to the storage server or manually transferred.

iv. These estimates are for budget and planning purposes only.

c. Storage Requirements Calculation Logic

- i. The following storage calculations provide the details incorporated into our estimates.

Server Storage							
#	Bit	#	of	#	of	Total	Total
Cameras	Rate	Hours		Days		MB	GB
20	512	6		30		829440	829.44
							0.82944

Mobile Data Terminal Storage							
#	Bit	#	of	#	of	Total	Total
Cameras	Rate	Hours		Days		MB	GB
1	512	6		2		2764.8	2.7648
							0.00276

14. Mobile Noise Complaint Inspection Pilot

IBM will provide a 60 trial of a hand held mobile noise complaint solution. Specifics of the trial include:

- a. Creation of one Noise Complaint Inspection Form
- b. 60 day trial to include evaluation software licenses
- c. One way upload to backend complaint system
- d. Data and forms are hosted at an ASP for trial period
- e. Hardware evaluation units can be arranged
- f. \$15,000 charge for pilot execution and support by IBM

15. Project Management Office

IBM's project management office consists of the following:

- a. Single Point of Contact (SPOC) through its project management office.
- b. Staffed by a senior PMI certified project manager
- c. An IT Architect
- d. Network Specialists
- e. Administrative support
- f. IBM advocates telecommuting, so this staff will not necessarily work from one physical location.
- g. IBM's project team including customer support and technical resources will report through the IBM Project Office to the IBM Project Manager.
- h. The IBM Project Manager will report directly to the City of Miami Beach's designated project manager for the wireless project.
- i. IBM will commit to utilizing network and office space at the Old City Hall location or a location to be determined with the City in order to provide a location for server hardware and physical work space for on the ground team members.
- j. Additionally, IBM may wish to work with the City to establish a physical office within the City of Miami Beach and will coordinate with the City to determine the details of such an arrangement. The local IBM team currently operates out of the Coral Gables facility where IBM has been based for the last 15 years.

16. Sponsorship Marketing and Marketing Support

IBM will coordinate a promotional campaign in conjunction with the City of Miami Beach to include:

- a. Press releases
- b. White papers
- c. Internal and external promotional pieces
- d. IBM will work with the City of Miami Beach to ensure the City is represented at business shows and trade fairs.
- e. IBM will collaborate with the City of Miami Beach to develop joint opportunities to host IBM Customer Executive Events.

- f. IBM will host one significant event each year in the City of Miami Beach.
- g. IBM will induct the City of Miami Beach into the Executive Contact Program, which creates strategic links between the top City officials and a senior IBM executive in order to showcase IBM Company and community activities, including initiatives and grants.

17. IBM Scripps Infectious Disease Research

On February 16, 2006, an announcement was made by IBM, Governor Jeb Bush, and Scripps to unveil the details of an exciting collaboration on pandemic research to be headquartered in South Florida. IBM and Scripps are already working on a similar project based in California in which over 200 million computational cycles have been generated and analyzed for HIV treatment research.

IBM invites the City to join forces with other governmental agencies who are participating in this project.

18. IBM Institute for Electronic Government

The City can showcase its technology at IBM's Institute for Electronic Government in Washington D.C. Since it opened in 1996, over 25,000 government leaders from around the world have visited the IEG for customized meetings, for tours of the 15,000 square feet of demonstration space, for collaboration and idea-exchange with their peers and IBM executives and staff who have deep experience in the business of state and local government. This is a win-win for IBM and for the cities that are featured at the IEG, IBM's briefing center dedicated to eGovernment.

Piggyback User Access

All entities approved by the City of Miami Beach are eligible to receive or utilize the City's contract pricing and terms and conditions. The City shall have no liability to IBM for the cost of any purchase made by an ordering entity and shall not be deemed to be a party thereto. IBM shall pay to the City of Miami Beach on a monthly basis, 1% of the total dollar amount of all sales to governmental, not for profit or quasi governmental entities, resulting from this contract and/or utilization of the City's contract, pricing, or terms and conditions.

PROPOSED AGREEMENT

The negotiated agreement will ensure that the City receives a “turnkey solution” and a “state of the art” system, consists of a wireless network covering all 7.1 square miles, and simple to maintain and inexpensive to upgrade with expansion to satisfy future needs for additional functionality and/or capacity. The proposed “system” will include:

- Network infrastructure procurement;
- Architecture and design services;
- Installation services;
- Telecommunications provisioning and services;
- Network monitoring and management services;
- Network maintenance and upgrade services;
- Operations Support Systems (OSS) services;
- Customer service and technical support services;
- Software hosting services; and
- Program and project management services.

IBM's system will support the following categories of service and will be flexible to accommodate new services over time.

Service Types	Definition	Examples
Secure Government Portable	Mobile access by City agency users using mobile computing devices	Public safety officers, inspectors, meter readers, surveyors, etc.
Secure Government Fixed	Fixed access for City devices in fixed locations	Parking meters, utility meters, cameras
Hot Zone Service	Free basic internet access for public access	Residents, tourists, business travelers

IBM's network will meet the following requirements.

- Support throughout the Coverage Area for wireless access from desktop PCs, laptop PCs, handheld devices, mobile phones and other manned or unmanned devices equipped with either an IEEE 802.11b or 802.11g (“Wi-Fi”) wireless interface.
- Support throughout the Coverage Area for “best-effort” service with an average net throughput per subscriber of one (1) megabit per second (Mbps) upstream (client device to network) and downstream (network to client device) transmission.
- 95% in-street (outdoor) coverage for the devices referenced above within the Coverage Area with no additional hardware required beyond the device's standard wireless interface.

- 70% in-building (indoor) coverage for residences and businesses within the Coverage Area. A residence or business is assumed covered under this requirement if a single, first or second-floor room, (e.g. adjacent to an exterior wall in the residence or business), can access the wireless network at the stated best-effort service levels.
- Support for having parks, common areas and other public spaces within the City defined and managed to allow any user with a mobile device to gain **free** and open access to the System while in these areas.
- Provide the infrastructure, deployment, management, software for **free** public access Citywide – **100% hot zone**.
- Battery and/or solar power backup for all network equipment sufficient to assure continuous operation at full power and functionality for a period of not less than one (1) hours in the absence of utility power. **The IBM proposed 2.4 GHz Tropos solution for meshing and access layer offers the advantage of built-in 8-10 hour back-up battery that can accommodate 480 volts of power on the streetlight poles in the South Beach area.**
- Support for a mixed wireless and wired “backhaul” solution to aggregate Wi-Fi network traffic from multiple subscribers and access points back to an Internet point of presence (“PoP”).
- Support for the use of City-owned structural assets, such as street light poles and utility poles or other assets which the City may provide access to.
- Support for pole, roof and wall mount options for wireless network equipment.
- Compliance to IP56/NEMA4 dust and water ingress ratings for all outdoor-mounted equipment.
- Support for ambient temperature ranges of 0 F to +122 F for all outdoor-mounted equipment.
- Support for all outdoor-mounted equipment to withstand wind loads up to 150 mph and consistent with any codes and/or regulations that may exist within the City of Miami Beach, with no impact to operation of the System.
- Protection against power surges, including lightning strikes, for all electrical and network connections.
- Support for the logical segmentation of the System to support different “domains” of users (e.g. secure access by government agency personnel, open access for public users, etc.). This will include the ability to define and manage different profiles for authentication, encryption and other service characteristics based on the requirements of each user domain.

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- Support for parks, common areas and other public spaces within the City defined and managed to allow any user with a mobile device to gain **free** and open access to the System while in these areas.
- Support for seamless, in-motion usage throughout the Coverage Area by government users. This includes the ability for subscribers to maintain "session-level" persistence while the subscriber's device is in motion at speeds up to sixty (60) miles per hour.
- Sufficient capacity throughout the System to support the subscriber projections defined by the City at the service levels described above throughout the contract term.
- Scalable to support additional users, capacity, and functions throughout the contract term.
- Support for both 32 bit (IPv4) and 128 bit (IPv6) IP Addressing, including multicast and anycast support.
- Support for the prioritization of network traffic for specific applications, users, devices, and domains.
- Fault tolerance mechanisms to mitigate and/or eliminate single points of failure for all components of the System.
- Guaranteed reliability of 99.9% for the 802.11g and 802.11b tier of the System and 99.999% for the backhaul and PoP tiers of the System.
- Support within any proposed fixed wireless backhaul solution to also provide advanced subscriber services beyond the level(s) of service available through the Wi-Fi tier of the System.
- Support for state-of-the-art security standards. These must include:
 - Physical security for all critical network equipment and other components of the System via secured facilities.
 - Support for Media Access Control ("MAC") address filtering.
 - Support for Wired Equivalent Privacy ("WEP") encryption, including both 64 and 128 bit keys.
 - Support for Temporal Key Integrity Protocol ("TKIP") encryption.
 - Support for Advanced Encryption Standard ("AES") encryption.
 - Support for Wi-Fi Protected Access ("WPA").
 - Support for 802.1x authentication using Extensible Authentication Protocol ("EAP") and "Remote Authentication Dial-In User Service" ("RADIUS").
 - Support for the suppression of Extended Service Set Identifier ("ESSID") broadcasts.
 - Support for multiple ESSIDs and the ability to map ESSIDs individually to Virtual LANs ("VLANs").

- Support for filtering of traffic based on Internet Protocol ("IP") addresses, subnets and Transmission Control Protocol ("TCP") ports.
 - Support for Virtual Private Network ("VPN") tunneling.
 - Support for encryption of all control and network management traffic transmitted within the System.
- Support the ability to define and manage unilateral, inbound roaming relationships whereby subscribers to other Wi-Fi services (e.g. T-Mobile, Sprint) may gain access to the System over time to support evolving business models and opportunities.
- Support the ability to define and manage unilateral, outbound roaming relationships whereby subscribers to the System may gain access to other approved Wi-Fi services over time to support evolving business models and opportunities.

B. Architecture and Design Services

IBM has developed an overall architecture for the System, to include all network equipment, hardware, software and other components required to meet the following City requirements:

- The City's unique land area, geography, terrain, foliage, morphology (land use), structural mounting assets and other factors that may impact the performance, reliability or scalability of the System;
- Network equipment, hardware, software and other components proposed are to be integrated to meet the requirements defined in the RFP;
- Core business processes to be used throughout the System (e.g. call flow for customer service, billing cycles, trouble ticketing);
- Reliability requirements and service levels;
- All pre-installation site acquisition, site survey, propagation modeling and other work required to determine the configuration for all infrastructure components in the System;
- The tools and processes to be used for all post-installation testing and verification of performance, reliability and scalability for all parts of the Coverage Area;
- A detailed description of the deliverables to be provided to the City following the post-installation testing and verification process;
- A detailed Implementation Plan, Statement of Work, Project Schedule and Milestone Payment Schedule;
- A final "as built plan" for the network infrastructure, supplied in ESRI coverage (.e00) or shapefile format. All base mapping must be accurate to 1"=200' national mapping accuracy standards.

C. Installation Services

IBM will include the turnkey installation and configuration services required for the successful deployment of the System. This is to include, but not be limited to the following:

- The installation and configuration of all network components, access points, routers, bridges and other network equipment;
- Coordination with the City and any other parties required for access to any structural assets, facilities or permits required for the installation of the System;
- The ramp-up and activation of all services defined to include but not be limited to customer service, technical support, hosting, OSS, network management systems, processes and personnel;
- The configuration and integration of all components in the Systems to meet the requirements defined in the RFP;
- Adherence to any FCC rules or guidelines for the configuration and installation of any wireless equipment using licensed or unlicensed spectrum, with specific emphasis on Part 15 of Title 47 of the Code of Federal Regulations for unlicensed operation;
- Any tuning required throughout the contract term to meet the service level agreements ("SLAs") defined in the RFP; and
- A safety plan detailing precautionary measures taken to mitigate risks during installation.

D. Telecommunications Provisioning and Services

IBM will include a detailed description about network capacity estimates for aggregation points and maintenance services for any wired or wireless leased line telecommunications services needed to support their System throughout the contract term. This is to include, but not be limited to the following:

- A detailed description for how capacity estimates for all aggregation points in the System was derived. This description can use either or both of the following methods:
 - Concurrent subscriber bandwidth usage for each category of service referenced in Section I and subscriber projection defined in Section I of the RFP, expressed in kilobits per second (Kbps) per subscriber.
 - Oversubscription rates for each category of service referenced in Section I and subscriber projection defined in Section I of the RFP, expressed as a ratio of subscriber bandwidth sold to net aggregation-point bandwidth available.

E. Network Monitoring and Management Services

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IBM will include a turnkey solution for the monitoring and management of the System. This will include all network equipment, hardware, software, tools, personnel and other components required to meet the reliability and performance goals established in the contract.

F. Security Management

IBM will control access to network and system resources according to defined policies so that the network cannot be sabotaged (intentionally or unintentionally) and those without appropriate authorization cannot access sensitive information.

In addition to supporting the five functional areas listed above, IBM's System will meet the following technical requirements:

- Support for event notifications;
- Support for group management of system components;
- Built-in configuration database;
- Support for Simple Network Management Protocol ("SNMP") standards;
- Graphical representation of network data;
- Support for configurable Access Control Lists ("ACLs");
- Ability to drill-down on System components;
- Ability to auto discover new devices in the System;
- Support for wireless proxy agents for non-SNMP devices;
- Support for statistical reporting;
- Support for remote management and updates of remote system components from a central location;
- Compatible with end point CSA client for remote users; and
- Compatible with City's existing network management software suites CiscoWorks Version 5.5 and SolarWinds Version 8.0.

G. Network Maintenance and Upgrade Services

IBM will include routine maintenance of the System. This will include spare inventory, upgrade cycles, capacity upgrades, or similar needs. IBM's System will also mitigate the risk of obsolescence in the System over time. IBM will continuously upgrade the System during the contract term. Proposals will install new nodes on as-needed basis during the entire contract term to support additional capacity requirements if necessary.

IBM will maintain the System as the best of the best Citywide wireless network. IBM will provide a complete replacement of the network infrastructure during the term of the agreement. Additionally, IBM will comply with the following:

- An upgrade plan must be submitted in advance of any planned update, subject to review and approval by the City;
- Minimal interruption of service can occur during these upgrades;
- Backwards compatibility must be provided for existing applications, services and subscribers as upgrades occur; and

- Upgrade plans will consider the specific product roadmap for the equipment vendor(s).

H. WiMax Upgrade Backhaul Capacity Injection

A key part of this technology refresh is the introduction of WiMax standard equipment into the backhaul portions of the network. Prior to the adoption of 802.16e (WiMax mobility), WiMax is envisioned as a fixed wireless high capacity link capability. This makes it a perfect alternative to getting high speed links to fixed locations, such as backhaul or endpoint buildings. In order to get the most out of the investment in additional hardware and associated labor, the WiMax technologies will be overlaid onto the backhaul network. This overlay will effectively double the backhaul capacity of the network from the proposed 200 Mbps to 400 Mbps.

I. Backbone and Mesh Capacity

The System will support 250,000+ subscribers; 26,000 active users; and 15,625 simultaneous users.

J. Scenario that Potentially Reduces Pole Count

As part of IBM's research to expedite deployment in the face of limited mounting assets, IBM has looked at some additional technologies. There are a few different options for base station deployments in the 2.4 GHz frequency that provide high power output and directed signals, effectively increasing the coverage. Given this, there are base station options to consider where there is limited pole infrastructure available today. IBM will test and potentially use base station technology to augment coverage in those areas, such as Middle Beach, that are challenged with limited pole infrastructure. This scenario potentially would save the City up to \$200,000.

K. Operations Support Systems (OSS) Services

IBM will provide a turnkey solution for an Operations Support System ("OSS") that integrates all customer service, technical support, provisioning, network element and network management components as seamlessly as possible. Specific requirements include, but are not limited to the following:

- The ability to support flexible service policies for time and for quality of service;
- The design, development, management and hosting of a subscriber software portal for the System;
- The portal must also support multi-lingual usage;

- The ability to support co-branding of the portal;
- The ability to define basic access and other value added service plans for evolving business model opportunities over time;
- The ability to perform usage tracking, customer reporting and usage policy enforcement; and
- Interoperability with RADIUS-based public access points and gateways.

L. Customer Service and Technical Support Services

IBM will include a turnkey solution for “tier-one” customer service and technical support via a call center or other mechanism for public access hot zones and “tier-two” customer service and technical support via a call center or other mechanism for government users. Tier-one service refers to the diagnosis and resolution of issues identified by public users at hot zone locations throughout the City. Tier-two service refers to the diagnosis and resolution of issues identified by the City’s IT department help desk that provides tier-one support to government users.

The City has committed to provide tier-one customer service and technical support to government users only, meaning that the City’s IT help desk will be the “first line of defense” for government subscribers on the network. Specific tier-two requirements that must be met by IBM include:

- Issues from tier-one City IT help desk agents dealing with technical problems reported by government subscribers (technical support issues);
- A toll free 1-800 number for the City IT help desk to contact IBM in order to report an issue and obtain a resolution;
- Tier-two support hours are expected to be 24x7x365;
- Proactive notification to the City for network problems, outages and other issues affecting the System via e-mail and Web interface;
- The development, maintenance and hosting of a library containing electronically available frequently asked questions (“FAQ”) to aid in self-support;
- A secure, managed database of City call tracking detail, resolutions, etc. This System should be fault tolerant and backed up on a regular schedule. The System should also support secure login to private areas by the City and include a system to retain all relevant documents for a period of at least two (2) years;
- The creation and routine delivery of pre-defined and ad-hoc reports on issues, wait times, abandoned calls, resolution times and other standard customer service and technical support metrics;
- While no “warm transfer” of subscriber issues will be escalated from City agents, IBM will support “three-party calls” with the IBM’s agent, City agent

and subscriber to diagnose and resolve an issue. City IT Help Desk agents will be required to retain ownership of the subscriber call;

- The ability to support “total call management”, referring to the diagnosis and resolution throughout the lifecycle of a subscriber or City agent issue.

This will include the ability to track a call from the time the issue is reported through any escalation to other parties, and the closed-loop resolution with the City agent.

M. Software Hosting and Facilities Services

IBM will be responsible for hosting the splash page/portal for the public access hot zones. IBM has included all costs and detail for the following facilities-related services:

- Backup and recovery tools and processes;
- Proactive capacity planning; and
- Problem avoidance and change management tools and processes.

N. Program and Project Management Services

IBM will provide program and project management services throughout the contract term. Specifically, these services will include:

- The designation of a Project Manager who has the authority to make key financial, legal, operational and other decisions required for compliance with the contract terms;
- The designation of a primary or single point of contact (“SPOC”) from IBM for all business and technology-related issues;
- The delivery of routine program and project status reports to the City. These status reports must include:
 - Date of report
 - Summary of program and/or project status
 - Items completed during last reporting period
 - Items planned for next reporting period
 - Issues and risks identified
 - Mitigating factors for issues and risks identified
 - Project schedule, timeline, tasks, owners
 - SLA compliance status for prior reporting period
 - Other issues as deemed appropriate or required by the City; and
- The designation of an issue escalation path, which is to include the names and contact information of personnel from the SPOC to the executive

sponsor, the types of issues requiring escalation, timeframes, and other parameters.

O. Maintenance and Support Services

IBM will provide a one-year (1) maintenance/support services, commencing on final acceptance of the System and project by the City. Maintenance and support will be furnished on a "turnkey" basis. IBM will be contractually responsible for all maintenance and support services for all elements of the System, including but not limited to all equipment and software and any data transport services that are required under the contract, and will be the single point of contact for service and support.

P. Warranty

IBM warranty will cover the entire Wireless Miami Beach System and all work that is provided by IBM under the contract, including, without limitation: all software, equipment, cabling, and other deliverables; network design and other designs and studies furnished and/or used in the implementation of the System; and implementation/integration services, construction services, and any other services required under the contract.

IBM's warranty will guarantee that the System will conform to the contract statement of work and to all technical specifications, performance standards, and designs for the System that are incorporated in the contract and/or furnished as deliverable under the contract. The warranty must be on a "turnkey" basis – IBM will be responsible for all warranty obligations and must be the single point of contact for service under the warranty. The warranty period is two (2) years, commencing on final acceptance of the System by the City.

Q. Training

IBM will provide the following training services:

- Two (2) weeks of informal training on the design and operation of the overall System for a minimum of four (4) City-designated persons prior to the activation of the network;
- Minimum of one (1) week of updated informal training on the design and operation of the overall System for a minimum of four (4) City-designated persons on an annual basis during the contract term;

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R. Project Schedule

IBM's project deployment schedule we will be able to accomplish the City's goal to have the wireless deployment completed during the summers of 2006. IBM will work closely with the City of Miami Beach to identify the amount of resources and will present the schedule that the City of Miami Beach will meet in order for IBM to maintain its project schedule. Together, the City and IBM anticipate completion of the citywide wireless network by summer 2006.

There are five phases defined in the plan below. Most major tasks have been "fast tracked" or have been schedule to run in parallel with their predecessors instead of having a "Start to Finish" relationship. In order to accomplish this, IBM will introduce additional resources than previously planned to expedite the schedule and meet the City's desired schedule. There are a total of four engineering/design teams and four deployment teams scheduled. IBM will work with the City to adequately identify the required City resources to execute this schedule and identify contingency plans to ensure a timely completion.

Detailed Project Plan and Milestones

The planned methodology is to build out the backbone first and deploy the hot zones as defined in the RFP as the first priority in order to provide access to the public users. These deployments will provide the most immediate benefits to the public and as such have been treated as a priority. Since these hot zones are distributed throughout the geography of the City, the base infrastructure remaining (including the backbone and backhaul) required to deploy the areas will be established and the rest of the deployment can be expedited as well.

Letters of Credit

IBM will provide the City with two (2) Letters of Credit: 1) \$250,000 Letter of Credit as required by the RFP; and 2) Letter of Credit to cover the build period capital and build expenses as follows:

- a. IBM commits to the City of Miami Beach that it will put in place a letter of credit to cover build costs within 15 days of contract award.
- b. The letter of credit escalates as milestone payments are made to cover the total expenditures to date.
- c. Final acceptance of the build phase removes the letter of credit.
- d. There will be a well defined binding escalation process with cure periods.

CITY MANAGER'S REVIEW

The City Manager was briefed on the results of the contract discussions; the best and final offers submitted by both IBM and WFI; the results of the pilot testing, the public benefits offered by IBM; and the terms and conditions of the proposed agreement

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between the City and IBM as prepared by Leibowitz and Associates in coordination with our City Attorney's Office. Having exercised his due diligence, the City Manager concurs that IBM's system and offer represents the best value for the City.

It is important to reiterate the goal of the City's WiFi project -- to use wireless broadband technology to increase government efficiency in delivery of services, and provide an unprecedented level of access to City residents and visitors.

The City specifically plans to use wireless broadband technology to support:

- Public safety mobile access Citywide;
- Mobile access for other Miami Beach government agencies;
- Hot zone access for targeted commercial areas; and

- Recurring cost savings for internal government network use.

The City proposes to capitalize on this potential by leading an effort to create a wireless network that will provide high-speed, broadband wireless connectivity to all points within the City.

The benefits of making this technology investment are broad and far reaching. First and foremost, the City should embrace this initiative if it is to remain a competitive location for business, a world-class center for entertainment, and a destination for visitors. Wireless access is fast becoming the indispensable tool of the leisure or business visitors.

Currently the City uses cellular air card services for wireless or mobile applications. These services are provided by third party vendors at a fixed monthly cost per device. Using a City-owned WiFi network, the City will be able to add additional wireless applications without increasing the annual operating and maintenance cost for the WiFi network.

Today, visitors are demanding access to travel information and are using mobile devices to make all types of arrangements when traveling. Visitors expect to be able to look up maps and get directions, find retail shops and read restaurant reviews while they sit at the beach, dine on Lincoln Road or drive throughout our City. Citywide wireless access will become an essential component of a successful strategy to continue to strengthen the hospitality sector of our economy.

Additionally, it is an essential investment to enhance the quality of life for our residents and to support the delivery of public services. For the past few years, we have used information technology and the Internet to transform how government business is done, how services are delivered and how the City interacts with residents, business and visitors.

Now, the City is aggressively pursuing wireless technology to improve service delivery and to reduce costs in many applications, from mobile data computers in police cars, to handheld devices that give service delivery workers an office in the field. In the near future, this wireless access, when implemented throughout the City, will permit expanded mobile applications for City employees as well as enable enhanced service delivery for applications such as wireless water meter reading and validated credit card transactions at parking pay stations.

The City has embraced this new technology and has established a goal to use wireless broadband technology to increase government efficiency in delivery of services, and provide a basic level of access to City residents and visitors through free hot zones.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, approved the Agreement between IBM and the City, for the Design, Deployment, and Management of a Citywide Wireless Network (Wi-Fi); in the base estimated amount of \$4,498,800, which includes the cost for the network infrastructure, architecture and design services, installation, and six (6) years of operation, maintenance, project management, support and warranty services; option no. 2 for a 100% citywide access in the estimated amount of \$669,000; project contingency in the amount of \$248,771; and acceptance of public benefits offered by IBM; further authorizing the Mayor and City Clerk to execute an Agreement with IBM; and further appropriating funds in the amount of \$1,886,652 from the Information and Communication Technology Fund.

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DRAFT WIRELESS SYSTEM AND SERVICE AGREEMENT - TERM SHEET

Parties: City of Miami Beach and International Business Machines Corporation (Vendor).

Scope of Agreement: Vendor shall provide, operate and maintain for the City a WiFi Network including but not limited to all design, construction, installation, support and maintenance of Equipment, Software and Services necessary to make available free access to the Internet from any point within the City on a "Turnkey" basis.

Price and terms of Payment:	Capital Cost	\$1,505,669
	Operating & Maintenance	
	Year 1	\$528,849
	Year 2	\$592,439
	Year 3	\$627,610
	Year 4	\$638,334
	Year 5	\$664,450
	Year 6	<u>\$610,449</u>
		<u>\$3,662,131</u>

Total Cost	\$5,167,800
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Capital cost will be paid in five 20% payments.
Operating cost for each year will be paid in quarterly installments.

Term: The initial term will include the period of design, construction, installation and testing of the System and six (6) years from the Acceptance Date of the System. The City, at its sole option and discretion, may renew the term of the agreement for two (2) additional three (3) year terms.

System Design: Vendor shall employ a methodical approach to Network design that centers around three progressively elaborated levels of granularity and detail. The Network architecture shall have the capability to evolve as the City's needs evolve thereby enabling the development of a progressively more detailed set of Network designs, each meeting the full set of functional requirements.

Network Infrastructure Requirements: The System shall consist of a wireless Network covering all 7.1 square miles of the City of Miami Beach, including that portion of Terminal and Fisher Islands that is within the City. [we should add capacity here]

Network Monitoring and Management Services: Vendor shall be responsible for monitoring and managing the System, including but not limited to all Network Equipment, Hardware, Software, Tools, Utilities, Internet connectivity, personnel and other components required to meet the reliability and performance goals of the City throughout the term of this Agreement

Remote Operations Center: Vendor shall utilize a remote operations center. Designated City Personnel shall at all times have access to all Network management software.

Reports: Vendor shall provide the City a written report regarding Network management, monitoring and maintenance on a quarterly basis or within ten (10) calendar days of any City request for the same.

Maintenance and Support Services: Vendor shall provide six (6) years of maintenance/support Services at no additional cost to the City. Vendor shall be responsible for all maintenance and support Services for all elements of the System, including but not limited to all Equipment and Software and any data transport Services that are required under the Agreement, and will be the single point of contact for Maintenance, Service and Support.

Prioritization of Access and In Motion Service: Vendor's System shall ensure first right of access to government users. Vendor shall provide seamless, in-motion connectivity throughout the Coverage Area to government users. This includes the ability for Subscribers to maintain session-level persistence while the subscriber's device is in motion at speeds up to sixty (60) miles per hour. This capability must be supported with no interruption to applications running on the device. Vendor shall provide to the City 600 NetMotion licenses for use by the City.

System Security:

The System shall provide State of the Art security creating a means of authenticating users and a secure 802.1X or VPN method for securely connecting to the Network. Vendors shall use best efforts to install any security or encryption patches or updates on an expedited basis, but in no event shall this period exceed forty-eight (48) hours from the release of any such update. These security standards shall include but not be limited to the Encryption standard protocols and the Florida Department of Justice Security Standards.

Encryption:

Vendor shall design and provide State of the Art security and encryption solutions for the Network, particularly for City users, which includes but shall not be limited to the physical security for all critical Network Equipment and other components of the System via secured facilities. The Vendor agrees to provide solutions and support for the following as well as new security or encryption protocols as they become commercially available.

Network Filter:

Vendor shall provide State of the Art Network security, capable of dynamically identifying possible security breaches, actively tracing the root thereof and immediately taking corrective action. Support for State of the Art Network traffic monitoring, analysis and reporting capable of capturing and analyzing all traffic transport over the System and decoding all major TCP/IP and application protocols in order to filter Network traffic to find specific information.

Technical and Customer Support:

Vendor shall provide technical and customer support for the System.

Training:

(a) Vendor shall provide training for a minimum of two (2) weeks of training on the design and operation of the overall System for a minimum of four (4) City-designated persons prior to the activation of the System.

(b) Vendor shall provide a minimum of one (1) week of updated informal training on the design and operation of the overall System for a minimum of four (4) City-designated persons on an annual basis during the term.

Construction and Activation Schedule:

Vendor shall timely construct and implement the Network. Vendor is on notice that time is of the essence for compliance with this Agreement. It is the Parties' intent that the System be designed, constructed and made operational on an expedited basis. Expected operational date is summer 2006.

Ownership and title to Equipment:

Title to all components of the System including but not limited to, Equipment and Software installed pursuant to this Agreement shall be exclusively held by the City, free and clear of all liens and encumbrances. All warranties, guarantees and licenses associated with any Equipment or Software used in connection with the System shall be assigned to the City.

Upgrade and State of the Art System:

Vendor shall maintain a State of the Art System as defined in Section I, 1.10 herein during the term of the Agreement to mitigate the risks of obsolescence in the system or its performance. It is Parties' intent to maintain the system as the best of the best citywide wireless network. Vendor shall provide to the City, at a minimum, on an annual basis, a written report setting forth the then current State of the Art for wireless Networks and Services, including but not limited to; (a) requirements to upgrade the System to enhance the existing level of Services and applications; and (b) to provide any new wireless Services or new products commercially available. Based upon the findings of the report, Vendor shall simultaneously submit an upgrade plan to the City which shall include a description of new Software, Equipment and Services the Vendor shall provide and the timing for implementation of the new Software, Services and Equipment on a commercially reasonable expedited schedule. The Parties contemplate that one complete replacement of the network infrastructure shall be

provided during the term of this Agreement. Additionally, Vendor warrants that: (i) there will be minimal interruption of Service during upgrades; (ii) backwards compatibility will be ensured for all existing applications, Services and Subscribers as upgrades occur. State of the art is defined as the most advanced, commercially available, Wireless Fidelity (WiFi) and Worldwide Interoperability for Microwave Access (WiMax) technology solutions related to levels of performance, Applications, Equipment, Software and components, based upon ratified standards issued by the Institute of Electrical and Electronic Engineers, Inc. (IEEE), to enhance existing or potential user applications for the City and/or the Network users taking in consideration performance, Capacity, signal coverage, reliability, features, maintenance, and efficiency of frequency use. The Parties anticipate that upgrades, including WiMax, under consideration by the industry, will be deployed by Vendor on an expedited basis when commercially available. For the purposes of this Agreement, State of the Art shall mean the most advanced, commercially available, Wireless Fidelity (WiFi) and Worldwide Interoperability for Microwave Access (WiMax) technology solutions related to levels of performance, Applications, Equipment, Software and components, based upon ratified standards issued by the Institute of Electrical and Electronics Engineers, Inc. (IEEE), to enhance existing or potential user applications for the City and/or the Network users taking in consideration, performance, Capacity, signal coverage, reliability, features, maintenance and efficiency of frequency use. State of the Art shall not include any technology or Equipment which is in Beta stage.

Warranties:

Details to be provided by IBM.

Equipment Warranty:

Software Warranty:

- Insurance:** Vendor shall obtain, provide and maintain during the term of the Agreement the City's standard types and amounts of insurance which shall be maintained with insurers licensed to sell insurance in the State of Florida and have a B+ VI or higher rating in the latest edition of AM Best's Insurance Guide. Vendor is responsible for providing windstorm coverage for equipment and network components.
- Independent Vendor Relationship:** Vendor shall install the System and perform the Services required under this Agreement as an independent Contractor.
- Subcontracting Prohibited:** Vendor is prohibited from subcontracting this Agreement or any part thereof unless such subcontracting is first approved by the City in writing. A list of pre-approved sub-contractors is attached.
- Letter of Credit:** The Letter of Credit shall be in the amount of \$250,000 as a guarantee to the City of the completion and performance of the work, as well as full payment of all suppliers, laborers, or subcontractors employed pursuant to this Agreement.
- Construction Letters of Credit:** The Letter of Credit shall be an amount equal to the amount of each payment made by City as a guarantee to the City of the completion and performance of the work, as well as full payment of all suppliers, laborers, or subcontractors employed pursuant to this Agreement.
- Public Benefits:** The Vendor shall provide the public benefits related to the System. [build up]
- City Obligations:** The City shall be required to provide Vendor City assets and personnel to assist in the installation and upgrade of the System. [add specifics]
- Most Favored Nations - Technology, Services and Costs:** If, after this Agreement is entered into, Vendor enters into an Agreement, with another municipality, city or local government for the

provision of Wi-Fi or WiMax Services, technology or Equipment that provide better Services, applications or benefits or provides similar services as provided to City at a lower cost as reasonably determined by the City, the City shall have the right to amend this Agreement to include rights, obligations and benefits substantially similar to those contained in such other agreement.

DRAFT WIRELESS SYSTEM AND SERVICE AGREEMENT - TERM SHEET

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Total Cost	\$5,167,800
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Reports: Vendor shall provide the City a written report regarding Network management, monitoring and maintenance on a quarterly basis or within ten (10) calendar days of any City request for the same.

Maintenance and Support Services: Vendor shall provide six (6) years of maintenance/support Services at no additional cost to the City. Vendor shall be responsible for all maintenance and support Services for all elements of the System, including but not limited to all Equipment and Software and any data transport Services that are required under the Agreement, and will be the single point of contact for Maintenance, Service and Support.

Prioritization of Access and In Motion Service: Vendor's System shall ensure first right of access to government users. Vendor shall provide seamless, in-motion connectivity throughout the Coverage Area to government users. This includes the ability for Subscribers to maintain session-level persistence while the subscriber's device is in motion at speeds up to sixty (60) miles per hour. This capability must be supported with no interruption to applications running on the device. Vendor shall provide to the City 600 NetMotion licenses for use by the City.

System Security:

The System shall provide State of the Art security creating a means of authenticating users and a secure 802.1X or VPN method for securely connecting to the Network. Vendors shall use best efforts to install any security or encryption patches or updates on an expedited basis, but in no event shall this period exceed forty-eight (48) hours from the release of any such update. These security standards shall include but not be limited to the Encryption standard protocols and the Florida Department of Justice Security Standards.

Encryption:

Vendor shall design and provide State of the Art security and encryption solutions for the Network, particularly for City users, which includes but shall not be limited to the physical security for all critical Network Equipment and other components of the System via secured facilities. The Vendor agrees to provide solutions and support for the following as well as new security or encryption protocols as they become commercially available.

Network Filter:

Vendor shall provide State of the Art Network security, capable of dynamically identifying possible security breaches, actively tracing the root thereof and immediately taking corrective action. Support for State of the Art Network traffic monitoring, analysis and reporting capable of capturing and analyzing all traffic transport over the System and decoding all major TCP/IP and application protocols in order to filter Network traffic to find specific information.

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Vendor shall provide technical and customer support for the System.

Training:

(a) Vendor shall provide training for a minimum of two (2) weeks of training on the design and operation of the overall System for a minimum of four (4) City-designated persons prior to the activation of the System.

(b) Vendor shall provide a minimum of one (1) week of updated informal training on the design and operation of the overall System for a minimum of four (4) City-designated persons on an annual basis during the term.

Construction and Activation Schedule:

Vendor shall timely construct and implement the Network. Vendor is on notice that time is of the essence for compliance with this Agreement. It is the Parties' intent that the System be designed, constructed and made operational on an expedited basis. Expected operational date is summer 2006.

Ownership and title to Equipment:

Title to all components of the System including but not limited to, Equipment and Software installed pursuant to this Agreement shall be exclusively held by the City, free and clear of all liens and encumbrances. All warranties, guarantees and licenses associated with any Equipment or Software used in connection with the System shall be assigned to the City.

Upgrade and State of the Art System:

Vendor shall maintain a State of the Art System as defined in Section I, 1.10 herein during the term of the Agreement to mitigate the risks of obsolescence in the system or its performance. It is Parties' intent to maintain the system as the best of the best citywide wireless network. Vendor shall provide to the City, at a minimum, on an annual basis, a written report setting forth the then current State of the Art for wireless Networks and Services, including but not limited to; (a) requirements to upgrade the System to enhance the existing level of Services and applications; and (b) to provide any new wireless Services or new products commercially available. Based upon the findings of the report, Vendor shall simultaneously submit an upgrade plan to the City which shall include a description of new Software, Equipment and Services the Vendor shall provide and the timing for implementation of the new Software, Services and Equipment on a commercially reasonable expedited schedule. The Parties contemplate that one complete replacement of the network infrastructure shall be

provided during the term of this Agreement. Additionally, Vendor warrants that: (i) there will be minimal interruption of Service during upgrades; (ii) backwards compatibility will be ensured for all existing applications, Services and Subscribers as upgrades occur. State of the art is defined as the most advanced, commercially available, Wireless Fidelity (WiFi) and Worldwide Interoperability for Microwave Access (WiMax) technology solutions related to levels of performance, Applications, Equipment, Software and components, based upon ratified standards issued by the Institute of Electrical and Electronic Engineers, Inc. (IEEE), to enhance existing or potential user applications for the City and/or the Network users taking in consideration performance, Capacity, signal coverage, reliability, features, maintenance, and efficiency of frequency use. The Parties anticipate that upgrades, including WiMax, under consideration by the industry, will be deployed by Vendor on an expedited basis when commercially available. For the purposes of this Agreement, State of the Art shall mean the most advanced, commercially available, Wireless Fidelity (WiFi) and Worldwide Interoperability for Microwave Access (WiMax) technology solutions related to levels of performance, Applications, Equipment, Software and components, based upon ratified standards issued by the Institute of Electrical and Electronics Engineers, Inc. (IEEE), to enhance existing or potential user applications for the City and/or the Network users taking in consideration, performance, Capacity, signal coverage, reliability, features, maintenance and efficiency of frequency use. State of the Art shall not include any technology or Equipment which is in Beta stage.

Warranties:

Details to be provided by IBM.

Equipment Warranty:

Software Warranty:

Insurance:

Vendor shall obtain, provide and maintain during the term of the Agreement the City's standard types and amounts of insurance which shall be maintained with insurers licensed to sell insurance in the State of Florida and have a B+ VI or higher rating in the latest edition of AM Best's Insurance Guide. Vendor is responsible for providing windstorm coverage for equipment and network components.

Independent Vendor Relationship: Vendor shall install the System and perform the Services required under this Agreement as an independent Contractor.

Subcontracting Prohibited:

Vendor is prohibited from subcontracting this Agreement or any part thereof unless such subcontracting is first approved by the City in writing. A list of pre-approved sub-contractors is attached.

Letter of Credit:

The Letter of Credit shall be in the amount of \$250,000 as a guarantee to the City of the completion and performance of the work, as well as full payment of all suppliers, laborers, or subcontractors employed pursuant to this Agreement.

Construction Letters of Credit:

The Letter of Credit shall be an amount equal to the amount of each payment made by City as a guarantee to the City of the completion and performance of the work, as well as full payment of all suppliers, laborers, or subcontractors employed pursuant to this Agreement.

Public Benefits:

The Vendor shall provide the public benefits related to the System. [build up]

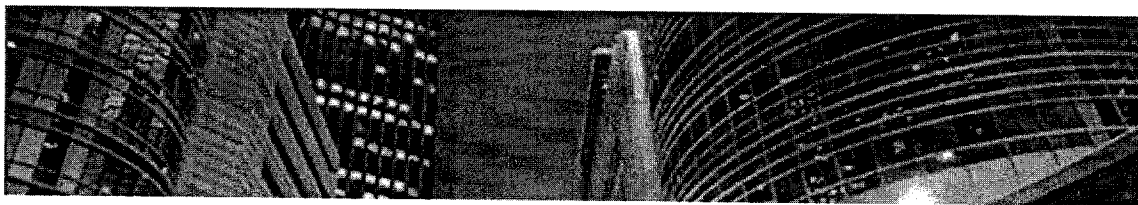
City Obligations:

The City shall be required to provide Vendor City assets and personnel to assist in the installation and upgrade of the System. [add specifics]

Most Favored Nations - Technology, Services and Costs:

If, after this Agreement is entered into, Vendor enters into an Agreement, with another municipality, city or local government for the

provision of Wi-Fi or WiMax Services, technology or Equipment that provide better Services, applications or benefits or provides similar services as provided to City at a lower cost as reasonably determined by the City, the City shall have the right to amend this Agreement to include rights, obligations and benefits substantially similar to those contained in such other agreement.



Municipal Wi-Fi Pilot Test Report

City of Miami Beach

February 21, 2006

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This report discusses the results of testing the municipal wireless network pilot systems installed within the City of Miami Beach, Florida. This testing was done to assess each system's ability to support technical requirements defined in the City's *RFP 36-04/05 for Citywide Wireless Network*.

1. Pilot Systems

This section describes the pilot system installations that were part of the testing:

1.1 IBM Solution

The IBM system includes 23 Tropos mesh nodes distributed throughout approximately a half square mile portion in the South Beach area. Four of these nodes are gateways with a 5.3GHz Alvarion backhaul link to the headend. The Tropos mesh nodes have a single-radio design that uses 2.4GHz 802.11b/g radios for both backhaul between mesh nodes and user access.

1.2 WFI Solution

The WFI system includes 16 Cisco mesh nodes distributed throughout approximately a half square mile portion in the North Beach area. Two of these nodes are gateways with a 5.3GHz Alvarion backhaul link to the headend. Figure 1 illustrates the location of each mesh node. The Cisco mesh nodes have a dual-radio design that uses a 5GHz 802.11a radio for backhaul between mesh nodes and a different 802.11b/g radio for user access.

2. Test Team

Wireless-Nets, Ltd. was contracted by Civitium to perform the testing for the City of Miami Beach:

- **Jim Geier:** Developed the test plan and led the testing efforts for the IBM and WFI pilot systems.

Jim is the founder of Wireless-Nets, Ltd. and the company's principal consultant. His 20 years of experience includes the analysis, design, software development, installation, and support of numerous wireless network-based systems for enterprises, airports, homes, retail stores, manufacturing facilities, warehouses, hospitals, and cities worldwide. Jim is the author of several books, including *Deploying Voice over Wireless LANs* (Cisco Press), *Wireless Networks* (Cisco Press), *Wireless LANs* (SAMS), *Certified Wireless Analysis Professional (CWAP) Study Guide* (Planet3), *Wireless Networking Handbook* (Macmillan), and *Network Reengineering* (McGraw-Hill). He has been active within the Wi-Fi Alliance, responsible for certifying interoperability of 802.11 (Wi-Fi) wireless LANs. He has also been an active member of the IEEE 802.11 Working Group, responsible for developing international standards for wireless LANs. He served as Chairman of the IEEE Computer Society, Dayton Section,

and Chairman of the IEEE International Conference on Wireless LAN Implementation. Jim is an advisory board member of several leading wireless LAN companies. Jim's education includes a bachelor's and master's degree in electrical engineering and a master's degree in business administration.

- **Eric Geier:** Assisted with the testing of the IBM and WFI pilot systems.

Eric is an associate consultant of Wireless-Nets, Ltd., where he analyzes wireless LAN technologies and products and performs RF site surveys for clients. Eric is a Certified Wireless Network Administrator (CWNA) and completed numerous wireless LAN protocol and RF propagation tests as part of the development of the Certified Wireless Analysis Professional (CWAP) Study Guide published by Planet3 Wireless. Eric has developed computer-based training on wireless LAN topics and is the author of several books, including *Wireless Networks – 5 Minute Fixes* (Wiley) and *PCs – 5 Minute Fixes* (Wiley). Eric is currently writing a book for Cisco Press on deploying public Wi-Fi hotspots.

3. Test Schedule

The test team performed testing on the following dates:

- IBM System – January 30–31, 2006
- WFI System – February 1–2, 2006

The testing was accomplished between the hours of 9 a.m. and 8 p.m. each day. There was occasional very light rain on most of the days, but this had no significant impact on test results.

4. Summary of Test Results

Table 1 summarizes the results of testing the IBM system.

Table 1. Test Results of the IBM System

Test Criteria	Criteria Satisfied?
Support for users equipped with either IEEE 802.11b or 802.11g wireless interfaces using various security methods (WEP, TKIP, AES, and WPA).	YES
95% coverage in the streets and sidewalks for users within the pilot test area.	YES
95% coverage throughout parks, common areas and other public spaces.	YES
70% coverage for users within residences and businesses within the pilot test area. This includes first or second-floor rooms adjacent to an exterior wall of the facility).	YES
Average net data throughput per subscriber of one 1Mbps (upstream and downstream) throughout the covered areas – measured against any point in the system.	YES
Sufficient capacity of the system to support 676 subscribers per square mile throughout the pilot test coverage areas. This is based on the requirement to support 4,800 subscribers as stated in the RFP over the entire 7.1 square mile city.	YES
Support for seamless, in-motion usage (up to 60mph) throughout the coverage areas with no interruption to applications running on the user device.	NO
Battery and/or solar power backup for all network equipment sufficient to assure continuous operation at full power and functionality for a period of not less than one (1) hour in the absence of utility power.	YES

Table 2 summarizes the results of testing the WFI system.

Table 2. Test Results of the WFI System

Test Criteria	Criteria Satisfied?
Support for users equipped with either IEEE 802.11b or 802.11g wireless interfaces using various security methods (WEP, TKIP, AES, and WPA).	YES
95% coverage in the streets and sidewalks for users within the pilot test area.	YES
95% coverage throughout parks, common areas and other public spaces.	YES
70% coverage for users within residences and businesses within the pilot test area. This includes first or second-floor rooms adjacent to an exterior wall of the facility).	YES
Average net data throughput per subscriber of one 1Mbps (upstream and downstream) throughout the covered areas – measured against any point in the system.	YES
Sufficient capacity of the system to support 676 subscribers per square mile throughout the pilot test coverage areas. This is based on the requirement to support 4,800 subscribers as stated in the RFP over the entire 7.1 square mile city.	YES
Support for seamless, in-motion usage (up to 60mph) throughout the coverage areas with no interruption to applications running on the user device.	NO
Battery and/or solar power backup for all network equipment sufficient to assure continuous operation at full power and functionality for a period of not less than one (1) hour in the absence of utility power.	YES

5. Procedures and Findings

This section of the report describes how the testing was done for each criterion and provides related findings and analysis.

5.1 Connection Testing

The connection testing assessed the following test criterion:

Support users equipped with either IEEE 802.11b or 802.11g wireless interfaces using various security methods (WEP, TKIP, AES, and WPA).

The test team successfully connected to a mesh node on the IBM and WFI pilot systems using a laptop equipped with an Orinoco Gold 802.11b/g radio card configured as follows:

- 802.11b-only with no security enabled
- 802.11b/g with no security enabled
- 802.11b/g configured with WEP
- 802.11b/g configured with WPA

The test team observed a packet trace of the communications taking place during the association process between the laptop and the mesh node for each of the above configurations. There was no abnormal protocol behavior during the association processes.

5.2 Signal Coverage Testing

The signal coverage testing assessed the following test criteria:

95% coverage in the streets and sidewalks for users within the pilot test area.

95% coverage throughout parks, common areas and other public spaces.

70% coverage for users within residences and businesses within the pilot test area. This includes first or second-floor rooms adjacent to an exterior wall of the facility).

The test team assumed that signal coverage exists where it is possible to connect to the wireless network with a common user device, such as a laptop, at a minimum data rate of 1Mbps and utilize typical applications, such as web browsing, email, and file transfer.

The signal coverage testing included the following for the IBM and the WFI pilot systems:

1. With Ekahau Site Survey software equipped with an Orinoco Gold 802.11b/g radio card and a GPS, the test team drove an automobile through each of the coverage areas and recorded all Wi-Fi signals. The antenna for the Wi-Fi radio was configured for recording signals outside of the automobile to discount attenuation of the automobile and make the measurements accurate for outdoor signal coverage assessment. An external antenna mounted on top of the automobile was used with the GPS in order to improve the accuracy of position information, which resulted in 10 feet average accuracy. The places driven for each of the pilot test areas included all streets and a representative sample of parking lots and driveways.
2. The test team conducted a series of connection tests at multiple locations using several brand radio cards to determine the minimum signal levels necessary to support connections and application usage. This provided a method for interpreting the signals found with the Ekahau software. It was found that 15dB SNR (signal-to-noise ratio) was necessary to maintain stable connections on the IBM and WFI pilot systems
3. With a handheld version of AirMagnet Analyzer equipped with an AirMagnet 802.11b/g radio card, the test team conducted signal testing inside facilities at sample areas, such as restaurants, stores, and office buildings, throughout each of the pilot test areas. The test team found that the average signal loss is 10dB from the street to just inside the facility. Because AirMagnet Analyzer uses a different radio card than Ekahau Site Survey, tests were done to compare the measurements taken with each test unit. This testing indicated that there was no significant difference. The variation between signal measurements taken with each unit was less than 1dB.
4. After collecting the signal information in outdoor and indoor areas, the test team observed the data and determined the extent of coverage based on a minimum of 15dB SNR.

The IBM and WFI pilot systems both met signal coverage requirements as stated in the RFP.

In order to support voice applications, such as Wi-Fi phones, the SNR should be at least 25dB in all areas. If this were a requirement, then the IBM and WFI pilot systems would not meet signal coverage requirements within most indoor facilities. Outdoor signal coverage based on 25dB or higher SNR would also cause the IBM and WFI pilot systems to fall below the 95 percent outdoor coverage requirements stated in the RFP.

As compared to the IBM system, the WFI system had the advantage of a much higher vantage point (rooftop approximately 15 stories high) for mounting the antennas at the

headend. This allowed most if not all mesh nodes of the WFI system to be within line of sight of the headend antennas. The IBM system made use of a much lower rooftop (approximately 8 stories high) for mounting the headend antennas. Many of the mesh nodes within the IBM system were not within line of sight of the headend antennas. Obstructions such as trees and buildings were between mesh nodes, gateways, and the headend. Despite these issues, the signal coverage of the IBM pilot system met requirements and was just as good if not better than the WFI system.

5.3 Performance Testing

The performance testing assessed the following test criteria:

Support an average net data throughput per subscriber of one 1Mbps (upstream and downstream) throughout the covered areas – measured against any point in the system.

Sufficient capacity of the system to support 676 subscribers per square mile throughout the pilot test coverage areas. This is based on the requirement to support 4,800 subscribers as stated in the RFP over the entire 7.1 square mile city.

The performance testing included the following for the IBM and WFI systems:

1. The test team connected a computer configured as an FTP file server to a wired port at the headend of the system. This offered a central point to run performance tests against.
2. The test team associated a laptop equipped with an Orinoco Gold 802.11b.g card to a mesh node. The location of this testing was chosen within the IBM and the WFI pilot areas in a manner to make the radio environment as equal as possible between the two systems in terms of SNR and noise. For both systems, the communications path was from the wireless laptop to the associated mesh node to an Alvarion gateway and then on to the headend and FTP file server.
3. The test team transferred a 16,000,000 byte file (128,000,000 bits) from the laptop to the FTP server (upstream) while measuring the time to complete the file transfer, throughput, channel utilization, and error rates. The same tests were run while transferring the file from the FTP server to the laptop (downstream). AirMagnet Analyzer was used to take measurements. These tests were run multiple times at each test location.

The IBM and WFI pilot systems exceed the minimum 1 Mbps upstream and downstream throughput requirements stated in the RFP.

Table 3 includes average upstream performance measurements for the IBM and WFI pilot systems.

Table 3. Average Upstream Performance Measurements

Measurement	IBM System	WFI System
File Upload Time	45 seconds	39 seconds
Upstream Transfer Rate	2.8 Mbps	3.3 Mbps
Node Association Data Rate	24-36 Mbps	24-36 Mbps

Table 4 includes average downstream performance measurements for the IBM and WFI pilot systems.

Table 4. Average Downstream Performance Measurements

Measurement	IBM System	WFI System
File Download Time	52 seconds	45 seconds
Transfer rate	2.5 Mbps	2.8 Mbps
Association Data Rate	24-36 Mbps	24-36 Mbps

The IBM and WFI pilot systems both have sufficient capacity to support 676 subscribers per square mile. This equates to approximately 20 subscribers per mesh node. The systems can both support this number of subscribers actively checking email and browsing the Internet simultaneously. There would not be enough capacity, however, for all 20 subscribers to simultaneously download large files at the throughput requirement of 1 Mbps.

5.4 Roaming Testing

The roaming testing assessed the following test criterion:

Seamless, in-motion usage (up to 60mph) throughout the coverage areas with no interruption to applications running on the user device.

The roaming testing included the following for the IBM and WFI systems:

1. With the FTP server connected to the system as described above in Section 5.3, the test team drove through the coverage area in an automobile at highest possible speed with a wireless laptop (equipped with an Orinoco Gold 802.11b/g radio) connected to the system and downloading a large file from the FTP server. The test team drove throughout the entire test area to determine how well the wireless laptop roams from one mesh node to another.

2. While performing the step above, the test team recorded wireless packet traces using AirMagnet Analyzer. The test team also made notes regarding indications given by the laptop regarding the connection status.
3. The test team observed the packet trace to determine roaming delays and whether the roaming took place successfully.

Due to traffic and speed limits, the maximum speed attained was 35 miles per hour when testing both pilot systems. Roaming was not seamless for both the IBM and the WFI systems. Both systems exhibited periodic disconnections from the network and average re-association times of up to a minute. Because the testing was done with a laptop and common radio card, these results are characteristic of typical user devices. This will mostly impact the downloading of larger files and the ability to support real-time voice applications while moving at vehicular speeds. Roaming would likely be better, however, if using a client device having a radio specially designed for roaming.

There were no issues with seamless roaming on either system when traveling at pedestrian speeds through the pilot test areas.

5.5 Battery Backup Testing

The battery backup testing assessed the following test criterion:

Battery and/or solar power backup for all network equipment sufficient to assure continuous operation at full power and functionality for a period of not less than one (1) hour in the absence of utility power.

The battery backup testing included the following for the IBM and WFI systems:

1. At a schedule time, the electrical power was removed from the pilot test equipment for a 1.5 hour period.
2. The test team ensured that a wireless laptop was able to connect successfully with a mesh node for a 1 hour period after the node's power was removed.

The IBM and WFI pilot systems demonstrated the ability to remain in operation for at least 1 hour after the electrical power was removed.

RESOLUTION TO BE SUBMITTED

R7 - Resolutions

R7E A Resolution Relating To The Annual Evaluation Of The City Manager; Receiving The City Manager's Report And Adjusting His Employment Contract Accordingly.

(City Manager's Office)

(Memorandum & Resolution to be submitted in Supplemental)

AGENDA ITEM R7E
DATE 3-8-06

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**R9
New Business
And
Comm. Requests**



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

OFFICE OF THE CITY CLERK, Robert Parcher, City Clerk
TEL: (305) 673-7411, FAX: (305) 673-7254

COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

From: Jorge M. Gonzalez
City Manager

Date: March 8, 2006

Subject: BOARD AND COMMITTEES

ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

BACKGROUND:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Design Review Board	7	City Commission	1	Page 13
Disability Access Committee	7	Commissioner Richard L. Steinberg	1	Page 15
Golf Advisory Committee	12	Commissioner Jerry Libbin	1	Page 17
Health Advisory Committee	11	City Commission	1	Page 18
Health Facilities Authority Board	6	City Commission	2	Page 20
Housing Authority	5	Mayor David Dermer	1	Page 23
Loan Review Committee	7	Mayor David Dermer	1	Page 24
Marine Authority	7	Commissioner Richard L. Steinberg	1	Page 25

Agenda Item R9A

Date 3-8-06

VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Miami Beach Commission on Status of Women	21	Commissioner Simon Cruz Mayor David Dermer	1 1	Page 26
Miami Beach Sister Cities Program	24	Mayor David Dermer	8	Page 29
Oversight Committee for General Obligation Bond	13	City Commission	3	Page 30
Parks and Recreational Facilities Board	10	Mayor David Dermer	1	Page 32
Personnel Board	10	City Commission	4	Page 33
Planning Board	7	City Commission	4	Page 34
Police Citizens Relations Committee	17	Commissioner Jerry Libbin	1	Page 36
Production Industry Council	7	Commissioner Richard L. Steinberg	1	Page 38

Attached is breakdown by Commissioner or City



JMG:REP/lg

City Commission Committees

Committee	Position	First Name	Appointed by	Appointed
Finance & Citywide Projects Committee				
	Liaison	Patricia Walker, Chief Financial Offi	Mayor Dermer	12/09/05
	Alternate	Commissioner Simon Cruz	Mayor Dermer	12/09/05
	Vice-Chair	Commissioner Richard L. Steinberg	Mayor Dermer	12/09/05
	Chairperson	Commissioner Saul Gross	Mayor Dermer	12/09/05
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	12/09/05
Land Use & Development Committee				
	Liaison	Jorge Gomez, Planning Director	Mayor Dermer	12/09/05
	Alternate	Commissioner Jerry Libbin	Mayor Dermer	12/09/05
	Vice-Chair	Commissioner Saul Gross	Mayor Dermer	12/09/05
	Chairperson	Commissioner Matti Herrera Bower	Mayor Dermer	12/09/05
	Member	Commissioner Luis R. Garcia	Mayor Dermer	12/09/05
Neighborhood/Community Affairs Committee				
	Liaison	Vivian Guzman, Neighborhood Ser	Mayor Dermer	12/09/05
	Alternate	Commissioner Matti Herrera Bower	Mayor Dermer	12/09/05
	Member	Commissioner Jerry Libbin	Mayor Dermer	12/09/05
	Vice-Chair	Commissioner Richard Steinberg	Mayor Dermer	12/09/05
	Chairperson	Commissioner Luis R. Garcia	Mayor Dermer	12/09/05

NON-CITY COMMISSION COMMITTEES

Commissioner Matti Herrera Bower

- Miami Beach Transportation Management Association (TMA)
- Dade Cultural Alliance
- Tourist Development Council
- Performing Arts Center Trust (PACT)

Commissioner Luis R. Garcia, Jr.

- Unclassified Employees and Elected Officials Retirement System
- Greater Miami Convention and Visitors Bureau

Commissioner Richard L. Steinberg

- Miami-Dade County Homeless Trust Board - Appointed by Miami-Dade League of Cities
- Miami-Dade League of Cities
- Metropolitan Planning Organization



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission
FROM: Jorge M. Gonzalez, City Manager *JMG*
DATE: March 8, 2006
SUBJECT: **BOARD AND COMMITTEE APPOINTMENTS – CITY COMMISSION APPOINTMENTS**

ADMINISTRATION RECOMMENDATION

Make appointments as indicated.

BOARDS AND COMMITTEES

1. Design Review Board
2. Health Advisory Committee
3. Health Facilities Authority Board
4. Oversight Committee for General Obligation Bond
5. Personnel Board
6. Planning Board

JMG/REP

T:\AGENDA\2006\mar0806\Regular\BOARD & COMMITTEES.doc

Agenda Item R9A1
Date 3-8-06

COMMISSION COMMITTEE APPOINTMENTS

1. Design Review Board

Board and Committees Current Members

Design Review Board

Sec. 118.71

Composition:

Two (2) year term.

Appointed by a minimum of 4 votes.

Seven (7) regular members and two (2) ex-officio members.

The seven (7) regular members shall consist of:

two (2) registered architects,

one (1) registered architect or a member of the faculty of a school of architecture, urban planning or urban design in the state, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture, or a professional architectural designer or professional urban planner

one (1) registered landscape architect,

one (1) registered architect, professional designer or professional urban planner,

and two (2) citizens at-large.

One person appointed by the City Manager from an eligibility list provided by the Mayor's Barrier Free Environment Committee shall serve in an advisory capacity with no voting authority. The Planning Director, or designee and the City Attorney or designee shall serve in an advisory capacity.

Residency and place of business in the county. The two (2) citizen-at-large members and one of the registered landscape architects, registered architects, professional designer or professional urban planners shall be residents of the city.

City Liaison: Thomas Mooney

Vacancy:

To replace Gregory Neville Registered Architect 12/31/2006 City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Alex	David	Urban Planner	12/31/2007	City Commission	12/31/10
Clotilde	Luce	At-large	12/31/2006	City Commission	12/31/10
Gabrielle	Redfern	At-large	12/31/2007	City Commission	12/31/11
Michael F.	Steffens	Registered Architect	12/31/2007	City Commission	12/31/09
Peter	Chavelier	Urban Land Planner-	12/31/2006	City Commission	12/31/08
Steve	Lefton	Landscape Architect	12/31/2006	City Commission	12/31/09
Janet Grant-Hyman	ex-officio/Barrier Free Env. Comm.				
Jorge Gomez	ex-officio/ Planning Director				

Applicants	Position/Title	Applicants	Position/Title
Adolfo Albaisa		Alfredo Andia	
Christine Butler		Colleen Martin	Attorney
Cristina LaBuzetta		Dona Zemo	
Gabrielle Redfern		Gail Thompson	
Herbert Gopman		Jay Parker	
Jean-Francois LeJeune	Architecture/Professor	Jorge Kuperman	Architect
Ken Nunamaker		Lourdes Solera	Registered Architect

Friday, March 03, 2006

Page 13 of 44 (Continued....)

Board and Committees Current Members

Neil Levinson	Attorney	Rafael Suarez-Rivas	Attorney
Randall Robinson		Robert Brown	
Su Rudy	Designer/Decorator	Theodore Berman	
Thomas Deluca		William Gonzalez	



C: Tim
Gomez
Lilia

CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

TO: Jorge M. Gonzalez
City Manager

FROM: Saul Gross *Saul*
Commissioner

DATE: February 27, 2005

RE: Agenda Item

Please place on the March 8th City Commission Meeting my nomination of Thomas J. Deluca to the Design Review Board.

SG/ml

Attachment

THOMAS J. DELUCA, REGISTERED ARCHITECT

1500 BAY ROAD • APT. #S940 • MIAMI BEACH, FL. 33139 • 305.531.4517 • MASDEL@THE-BEACH.NET

AN INTRODUCTION:

I am presenting my qualifications for consideration as a candidate to the Design Review Board for the City of Miami Beach. I am currently employed with Citibank, N.A. as Engineering Risk Manager for the Community Development Division representing various areas in the country including the State of Florida and Puerto Rico. I have been practicing architecture for eighteen years, fifteen of which in construction management; I am a registered architect in the state of Florida and in the state of Rhode Island. I am a graduate of Rhode Island School of Design with degrees in Architecture and Industrial Design. My past experience has been as an Owner's Representative/ Construction Manager for Baptist Health of South Florida where I oversaw the development of various Baptist Health Enterprises/ Baptist Outpatient Services projects ranging from tenant space development and construction to major renovations of existing properties. Previously I was a Senior Project Architect with Edward Lewis Architects where I oversaw various educational, governmental, medical and Multi -Residential projects. I was also an associate architect with MC Harry Associates in Coral Gables, as part of a team involved in educational and airport projects. In Rhode Island I was Director of Architecture for the SRH Corporation, where I was involved in joint venture projects for the City of Warwick public schools, Barrington High School, and the Town of Portsmouth public schools. Prior to the SRH Corporation my experience entailed self-employment for a year working on various residential projects throughout the New England area.

Thank you for your time and consideration, I look forward to hearing from you.

Thomas J. DeLuca, R.A.

THOMAS J. DELUCA, REGISTERED ARCHITECT

1500 BAY ROAD • APT. #S940 • MIAMI BEACH, FL. 33139 • 305.531.4517 • MASDEL@THE-BEACH.NET

EDUCATION:

Rhode Island School Of Design, Providence, R.I.	
Bachelor of Fine Arts in Industrial Design	1988
Bachelor of Architecture	1987
Bachelor of Fine Arts in Architecture	1986

LICENSES/ CERTIFICATIONS:

Registered Architect State of Rhode Island	No. 2150
Registered Architect State of Florida	No. AR-0017314
NCARB certified	No. 49419
Real Estate Salesperson State of Florida	No. SL-3011420

PROFESSIONAL SKILLS:

Designer • Technician • Manager • Coordinator • Director • Troubleshooter • Researcher • Mentor

EXPERIENCE:

CITIBANK, N.A., Doral, Fl. 2005 to Present

Engineering Risk Manager

Community Development

- Review new affordable multi-family housing developments submitted for financing.
- Review qualifications of the development team; developer, architect and contractor.
- Monitor construction progress and submitted draw applications in relation to third party construction observation reports.

BAPTIST HEALTH OF SOUTH FLORIDA, Miami, Fl. 2004 to 2005

Owner's Representative/ Construction Manager

Baptist Health Enterprises/ Baptist Outpatient Services

Baptist Medical Plaza @ Coral Gables – Coral Gables, Fl

- Owner's representative oversaw the removal/ replacement of MRI equipment.
- Owner's representatives oversaw the development and installation of Cassette Reader and Picture Archival Communication Systems.

Baptist Medical Plaza @ Doral – Doral, Fl

- Owner's representative oversaw the construction of Tenant development and construction.
- Owner's representative oversaw the removal/ replacement of MRI equipment.

Baptist Medical Plaza @ Westchester – Miami, Fl

- Owner's representatives oversaw the development and installation of Cassette Reader and Picture Archival Communication Systems.

South Miami Hospital Medical Arts Building– South Miami, Fl

- Owner's representative oversaw the construction of Tenant development and construction.

Kendall Professional Center -Medical Arts Building – Miami, Fl

- Owner's representative oversaw the renovation of existing retail Tenant space.
- Owner's representative oversaw the renovation of existing roof.

Kendall Professional Center -Baptist Outpatient Center – Miami, Fl

- Owner's representatives oversaw the development and installation of Cassette Reader and Picture Archival Communication Systems.
- Owner's representatives oversaw the development and installation of Digital Radiology systems.

THOMAS J. DELUCA, REGISTERED ARCHITECT

1500 BAY ROAD • APT. #S940 • MIAMI BEACH, FL. 33139 • 305.531.4517 • MASDEL@THE-BEACH.NET

EDWARD LEWIS ARCHITECTS, Coral Gables, FL.
Senior Project Architect

2001 to 2004

Bayshore Villas Condominiums – Coconut Grove, FL

- Owner's representatives to the Bayshore Villas Condominiums.
- Authored the Palladian Aesthetic Guidelines, the Construction Guidelines and the Color/Material guidelines.
- Performed reviews, and provides suggestions to the Bayshore Villas Architectural Control Committee, for any new renovation, remodeling and/or change in color that affects the exterior of an individual property and may indirectly affect neighboring properties.
- Provided service as the communities' architect to the common areas.

Flamingo Resort Residences – Miami Beach, FL

- Owner's representatives to the Flamingo Resort Residences apartment resort complex.
- Provided interior architectural design development services for amenity spaces located within the complex. The areas included a sports lounge, a Veranda, a retail store, screening rooms and the renovation of public restrooms.
- Coordinated the selection the light fixtures for the new high rise and the town homes.

Miami Beach Golf Course – Bay Shore Drive, Miami Beach, FL

- Design of the Perimeter Barrier Fence Project for the Bay Shore Drive Golf Course.
- The barrier fence was comprised of stainless steel and cable that provides the level of security requested by the client to alleviate the ongoing trespassing of the property.

Miami Beach Rotunda – Miami Beach, FL

- Provided service to the City of Miami Beach developing a feasibility report for the renovation and remodeling of the historical structure.
- The scope of work entailed the research of current building and life safety codes, design and development of proposed schemes.

School Board of Broward County – Broward County, FL

- The projects entailed the renovation of existing high school spaces into state of the art Technology labs.
 - *Boyd Anderson High School - Lauderdale Lakes, FL.*
 - *Taravella High School - Coral Springs, FL.*
 - *Nova High School - Sunrise, FL.*
 - *South Plantation High School - Plantation, FL.*
 - *Cooper City High School - Cooper City, FL.*
 - *Western High School - Davie, FL.*
 - *Miramar High School - Miramar, FL.*
 - *Ely High School - Pompano Beach, FL.*

Jackson Memorial Hospital - Miami, FL

CT Scan Procedure Rooms - Relocation/ Renovation

- The scope of work included the planning of temporary installations, of phasing construction, and the installation of state of the art equipment.
 - *DTC 2nd Floor CT Suite and West Wing The 2nd Floor CT*
 - *East Tower Emergency Care Unit*

Special Immunology Unit - Renovation/ Remodeling

- The scope of work included addressing deficiencies to the unit with regards to ADA accessibility, life safety codes, and general aesthetics.
- The components included the remodel of the existing waiting room, addition of new ADA accessible restrooms, new phlebotomy and vital signs rooms, new nurses stations, new storage rooms, an expanded pharmacy room, and a new day treatment room.

THOMAS J. DELUCA, REGISTERED ARCHITECT

1500 BAY ROAD • APT. #S940 • MIAMI BEACH, FL. 33139 • 305.531.4517 • MASDEL@THE-BEACH.NET

22 Bed Recovery Unit – Renovation/ Remodeling

- The Scope of work included the relocation of the Existing Echo Lab, Pulmonary Function Lab, Gastroenterology Department, Procedure Rooms, Medical Offices and a 22 Patient recovery Room to a 37,100 sf area located within two floors of the hospital complex.
- The intent of the project was to address spatial requirements for the expanding departments while consolidating the shared patient holding area into a more central location.

Government Services Administration (GSA) - Miami, Fl.

Vehicle Inspection Station - Miami, Fl.- Renovation

- The scope of work entailed the renovation to the existing inspection station.
- The design included the relocation and redesign of the office area, the renovation of existing testing lanes, the installation of new testing equipment and the upgrade of the structure to current codes.

Telecommunications Center - Miami, Fl. - Addition/ Renovation

- The scope of work entailed the fortification of the existing exterior walls with new tilt up concrete panels and the upgrade of all building components to adhere to current hurricane impact standards.

Grand Bahamas Airport – Freeport, Bahamas – Addition/ Renovation

- Assigned Author for the Tenant Standard Guidelines.
- Established standards and requirements for leasing tenants of the concession areas within the new terminal.
- Integrated building code requirements, municipality requirements, airport requirements and Homeland Security requirements into a guideline package distributed to future tenants.

MCHARRY ASSOCIATES, Miami, Fl.

1999 to 2001

Associate Architect

Booker T. Washington High School - Miami, Fl. - New Classroom

Building, New Auditorium and Gymnasium Addition

Miami International Airport - Concourse 'F' - Miami, Fl.

Code Compliance Renovation

THE SRH CORPORATION, East Providence, R.I.

1997 to 1999

Director of Architecture

Warwick Schools - Warwick, R.I. - High School Addition/

Aldrich Junior High School Addition/ Drum Rock

Elementary Addition/ Hoxsie Elementary Addition and

Holden Elementary Addition.

Barrington High School - Barrington, R.I. - Addition/ Renovation.

Barrington Christian Academy - Barrington, R.I. - 11,000 sf. Addition

Barrington Junior High School - Barrington, R.I. - Renovation

Cranston West High School - Cranston, R.I. - Renovation

Cranston Housing Authority - Cranston, R.I. - Renovation

Springfield Housing Authority - Springfield, Mass. - Renovation

Galego Day Care Center - Pawtucket, R.I. - 3,000 sf. Addition

Portsmouth Schools - Portsmouth, R.I. - High School Addition/ Renovation/

Elmhurst Elementary Addition/ Renovation

Fall River Housing Authority - Fall River, Mass. - Renovation

THOMAS J. DELUCA, REGISTERED ARCHITECT

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THOMAS J. DELUCA DESIGNS, *Smithfield, R.I.*
Owner/ Operator

1995 to 1997

Smith Residence - *Somerset, Ma* - Addition
Verrecchia Residence - *Warwick, R.I.* - Renovation/ New Swimming Pool
DeLuca Residence - *Smithfield, R.I.* - 2,500 sf. - New Construction
Panichas Residence - *Smithfield, R.I.* - 3,000 sf. - New Construction
Libassi Residence - *Scituate, R.I.* - 2,500 sf. - New Construction

RICHARD J. CARDARELLI, A.I.A., *Cranston, R.I.*
Job captain/ Designer/ Draftsman

1983, 1984,
1988 - 1995

St. John's Commons - *North Haven, Conn.* - Renovation
Medical Atrium Office Condominiums - *Providence, R.I.* - 10,000 sf. -
New Construction
Independence Park Plaza - *Cranston, R.I.* - 76,000 sf. - New construction
Our Lady Grace Church - *Johnston, R.I.* - Renovation
Wells Street Medical Building - *Westerly, R.I.* 18,000 sf. - New construction
Atwood Medical Building - *Johnston, R.I.* - 40,000 sf. - Addition
Emma Residence - *Scituate, R.I.* - 3,000 sf. - New construction
Sisto Residence - *Lincoln, R.I.* - 2,100 sf. - New construction

COMMISSION COMMITTEE APPOINTMENTS

2. Health Advisory Committee

Board and Committees Current Members

Health Advisory Committee

Sec. 2-81 2002-
335R

Composition:

Eleven (11) voting members. Appointed by the City Commission at-large, upon recommendations of the City Manager:

Two (2) members shall be the chief executive officers (CEO's) or their designated administrators from each of the following local hospitals:

- 1) Mount Sinai Medical Center,
- 2) South Shore Hospital,

One (1) member shall be the Chief Executive Officer (CEO) from Stanley C. Myers Community Health Center or his/her designee administrator;

Two (2) member shall be an administrator from an Adult Congregate Living Facility (ACLF). And/or an Assisted Living Facility (ALF);

One (1) member shall be a representative from the nursing profession;

One (1) member shall be a health benefits provider;

Two (2) members shall be physicians.;

Two (2) members shall be consumers consisting of:

- 1) one (1) individual from the corporate level and ;
- 2) one (1) private individual.

There shall be one (1) non-voting ex-officio representative from each of the following: The Miami Dade County Health Department and the Fire Rescue Department. The director of the Office of the Children's Affairs shall be added as a non-voting ex-officio member of the board.

City Liaison: Cliff Leonard

Vacancy:

To replace Heidi Nursing Profession 12/31/2007 City Commission
Azari

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Abraham	Galbut	ACLF	12/31/2006	City Commission	12/31/09
Daniel	Nixon	Private Industry	12/31/2007	City Commission	12/31/07
Dr. Rasciciel	Socarraz	Health Provider	12/31/2007	City Commission	12/31/09
Dr. Ronald	Shane	Private Industry	12/31/2007	City Commission	12/31/09
Jorge	Perez	Physician	12/31/2006	City Commission	12/31/09
Joyce	Galbut	Adm. Adult Cong Livn.	12/31/2006	City Commission	12/31/09
Kathryn	Abbate	CEO, Stanley Myers (NTL)	12/31/2006	City Commission	
Steven	Sonenreich	CEO/Mt. Sinai/MH (NTL)	12/31/2006	City Commission	
William	Zubkoff	C.E.O.. So. Shore (NTL)	12/31/2006	City Commission	
Zalman	Bacheikov	Dentist	12/31/2006	City Commission	12/31/06
Maria Ruiz	ex-officio, Director of Children's Affairs				
Sonia Albury	rep. From the Health Council of South Fla				

Applicants	Position/Title	Applicants	Position/Title
Craig Berko	Chiropractor/Physician	David Fink	
Emilio Suster		Harriet Feuerman	
Katherine Pender	Retired Teacher	Marc Umlas	
Mark Sinnreich	MD	Michael Baum	Nurse

Friday, March 03, 2006

Page 18 of 44 (Continued....)

Board and Committees Current Members

Nancy El-Amir
Richard Silverman
Shawn Loftis

Nicole Nedd
Rolando Rodriguez
Stephen Zaron Physician/Consumer Private

COMMISSION COMMITTEE APPOINTMENTS

3. Health Facilities Authority Board

Board and Committees Current Members

Health Facilities Authority Board

Sec. 2-111

Composition:

Four (4) year terms.

Five (5) members shall consist of;

two (2) health providers,

one (1) individual in the field of general business who possesses good standing in the community;

one (1) accountant and;

one (1) attorney.

The chairperson of the Health Advisory Board shall serve as a non-voting advisor to the Authority.

Members shall be residents of the City.

Florida Statute 154.207 No term Limits.

City Liaison: Patricia Walker

Vacancy:

To replace Lawrence Fuller	(Attorney)	06/19/2009 City Commission
To replace Sidney Goldin	General Business	06/19/2007 City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Arthur	Unger	Accountant	06/19/2008	City Commission	FS 154-207
Mark	Sinnreich	Health Provider	06/19/2007	City Commission	FS 154-207
Michael	Baum	Health Provider	06/19/2006	City Commission	FS 154-207
Kathryn Abbate	Chairperson, Health Advisory Board				

Applicants	Position/Title	Applicants	Position/Title
Jorge Perez		Luis Salom	
Zalman Bacheikov			



CITY OF MIAMI BEACH
Office of the Mayor and Commission
Memorandum

To: Jorge M. Gonzalez
City Manager

From: Jerry Libbin
Commissioner

Date: February 9, 2006

Re: Agenda Item

Please place on the March 8th, 2006 City Commission Agenda my nomination of Emilio Suster R.Ph. to the Health Facilities Committee.

JL/hwf

c: Lilia
Trish

COMMISSION COMMITTEE APPOINTMENTS

4. Oversight Committee for General Obligation Bond

Board and Committees Current Members

Oversight Committee for General Obligation Bond

Sec. 2-190.126

Composition:

Thirteen (13) members consisting of two (2) residents from the following areas:

- 1) North Beach;
- 2) Middle Beach;
- 3) South Beach;
- 4) one (1) member from each of the following organizations:
the Budget Advisory Committee,
the Planning Board,
the Chamber of Commerce,
the Transportation and Parking Committee,
the Community Development Advisory Committee (who shall be a voting member),
one from the Historic Preservation Board (who shall be a voting member),
one (1) MEMBER FROM THE CITY COMMISSION.

City Liaison: Jorge Chartrand

Vacancy:

To replace Frank Del Vecchio	South Beach	12/31/2007	City Commission
To replace Michael Rotbart	North Beach	12/31/2007	City Commission
To replace Aaron W. Tandy	MBCC	12/31/2006	
To replace Cristina Cuervo	North Beach	12/31/2006	City Commission
ex-officio of the Transportation and Pkg. Comm.			

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Christina	Cuervo	Middle Beach	12/31/2007	City Commission	12/31/10
Scott	Needelman	South Beach	12/31/2006	City Commission	12/31/08
Sherri	Krassner	Middle Beach	12/31/2006	City Commission	12/31/06

MBCC Representative

Alexander Annunziato	voting member of CDAC
Jeryl (Deede) Weithor	Budget Advisory Comm.
Joy Malakoff	ex-officio member Planning Board
Mayor David Dermer	Member from City Commission
Mitch Novick	voting member of the Historic Pres. Bd)

Applicants	Position/Title	Applicants	Position/Title
Barbara Gelber		Charles Burkett	Middle Beach
Dave Patlak		Donna Feig	
Dwight Kraai		Gabrielle Redfern	
Gary Weiner		Judy Gelber	North Beach
Julio Lora		Laura Morilla	
Marc Gidney		Martin Wasserman	Attorney
Melissa Lorber	South Beach	Michael Francis	

Friday, March 03, 2006

Page 30 of 44 (Continued....)

Board and Committees Current Members

Wil Martinez

COMMISSION COMMITTEE APPOINTMENTS

5. Personnel Board

Board and Committees Current Members

Personnel Board

Sec. 2-190.66

Composition:

Ten (10) members appointed by a 5/7 vote.

Six (6) of which shall be citizens of Miami Beach not in the employment of the city, each having a different vocation;

and three (3) regular employees of the City of Miami Beach, to be elected by the probationary and regular employees of the city and who shall be elected from the employees of regular status in the respective groups:

Group I shall consist of the employees of the Police Department, Fire Department and Beach Patrol Department,

Group II shall consist of employees who are in clerical and executive positions,

Group III shall consist of all other employees,

The Personnel Director is a non-voting member.

City Liaison: Mayra Buttacavoli

Vacancy:

Orlando Alvarez, Jr.	To replace	12/31/2007	City Commission
	To replace Rosalie Pincus	12/31/2006	City Commission
Marcelo Llorente	To replace	12/31/2007	City Commission
Jack Bernstein	To replace	12/31/2007	City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Amy	Perry		12/31/2006	City Commission	12/31/09
Diane	Downs		12/31/2006	City Commission	12/31/09
Jimmy Newton		elected 7/31/03 - exp. 7/31/06 Group III			
Mayra Buttacavoli		Human Resources Director			
Patricia Becerra		re-elected 8/17/04 - exp. 7/31/07 Group II			
Renato Sejas		elected 7/11/05 - exp. 7/31/08- Group I			

Applicants	Position/Title	Applicants	Position/Title
Alex DeGasperi		Annette Cannon	
Barbara Woolverton	Human Resources Director	David Alschuler	Attorney
Lee Spiegelman			

COMMISSION COMMITTEE APPOINTMENTS

6. Planning Board

Board and Committees Current Members

Planning Board

Sec. 118-51

Composition:

Two (2) year term. Appointed by a minimum of 4 votes.

Seven (7) regular voting members. The voting members shall have considerable experience in general business, land development, land development practices or land use issues.

The board shall at a minimum be comprised of:

one registered architect or a member of the faculty of a school of architecture in the state, with practical or academic expertise in the field of design, planning, historic preservation or the history of architecture, or a professional architectural designer or professional urban planner,

one developer,

one attorney who has considerable experience in land use and zoning issues,

and one person who has education and/or experience in historic preservation issues. For purposes of this section, the term "education and/or experience in historic preservation issues" shall be a person who meets one or more of the following criteria:

(1). Has earned a college degree in historic preservation

(2). Is responsible for the preservation, revitalization or adaptive reuse of historic buildings; or

(3). Is recognized by the city commission for contributions to historic preservation, education or planning. No person except a resident of the city, or an individual having their main business interest in the city shall be eligible for appointment to the Planning Board.

City Liaison: Mercedes Lamazares.

Vacancy:

Joy Malakoff	To replace	Historic Preservation	12/31/2007	City Commission
Roberto Sanchez	To replace	General Business	12/31/2007	City Commission
Theodore Berman	To replace	General Business	12/31/2007	City Commission
Marlo Courtney	To replace	Developer	12/31/2007	City Commission

Members:

Name	Last Name	Position/Title	Term Ends:	Appointed by:	Term Limit:
Cathy	Leff	General Business	12/31/2006	City Commission	12/31/10
Jorge	Kuperman	Architect	12/31/2006	City Commission	12/31/10
Victor	Diaz	Attorney	12/31/2006	City Commission	12/31/06

Applicants	Position/Title	Applicants	Position/Title
Alex David	Vice-President of Planning Group	Amy Agnoli	Attorney
Andres Casas		Anthony Guerra	
Brian Eaton		Brian Judge	Mortgage Banker
Colleen Martin	Attorney	Douglas Houghton	
Elizabeth Schwartz		Frank Anmirata	Certified General Contractor
Frank Del Vecchio		Gary Knight	
Gilbert Squires		Jack Bernstein	Real Estate
Jason Hagopian	Architect	L Beru	
Lazaro Martinez	Real Estate Broker	Lee Spiegelman	
Louis Martinez		Michael Gongora	
Rafael Suarez-Rivas	Attorney	Richard Silverman	
Robert Kaplan		Sean Ellsworth	
Shawn Loftis		Spencer Snyder	

Friday, March 03, 2006

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Board and Committees Current Members

Steve Lawrence Waserstein

Tara West

Theresa D'Amico

Interior Designer

William Gonzalez



CITY OF MIAMI BEACH
Office of the Mayor and Commission
Memorandum

To: Jorge Gonzalez

From: Comm. Jerry Libbin

A handwritten signature in cursive script, appearing to be "JL", which is the signature of Jerry Libbin.

Date February 28, 06

Re: Planning Board

Please place on the March 8, 06 agenda my nomination of Robert Kaplan to the Planning Board. Mr. Kaplan's application and resume are on file with the City Clerk's Office.

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R9 - New Business and Commission Requests

R9B(1)	Dr. Stanley Sutnick Citizen's Forum.	(1:30 p.m.)
R9B(2)	Dr. Stanley Sutnick Citizen's Forum.	(5:30 p.m.)

AGENDA ITEM R9B1-1
DATE 3-8-06

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: March 8, 2006

SUBJECT: **DISCUSSION REGARDING THE NORMANDY ISLE PARK AND POOL PROJECT.**

Commissioner Jerry Libbin has requested the Administration to consider alternatives in the event that the Normandy Isle Pool is not available for use in the summer of 2006 as currently anticipated. The attached Letter to Commission is the results of this analysis.

JMG/ECM/KS 

Agenda Item R9C
Date 3-8-06



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC #054-2006

LETTER TO COMMISSION

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 2, 2006

SUBJECT: Above Ground Pool - Temporary Summer Installation

The Administration was recently asked to assess options in the event the Normandy Isle Park pool would not be ready for opening at the beginning of summer, 2006. Specifically the Administration was asked to assess the option of installing an above ground swimming pool suitable for use by youth attending the summer programs as well as by residents on the weekends. The Administration has also assessed an option to use existing pools more extensively as an alternative to the above ground pool option. Either option would operate from May 30th to August 13th, 2006, the timeframe of the Parks and Recreation Summer services and Miami-Dade County Public Schools break.

In response to this request the Parks and Recreation Department has completed substantial research, met with various city departments that would need to assist in the process, contacted numerous swimming pool vendors, as well as other municipalities and regulatory agencies to gain information.

Following is a summary of the actions taken by the Parks and Recreation Department in their due diligence as well as other salient points related to the installation of an above ground pool for public use by a governmental municipality.

- Contacted 100 large and small municipalities throughout the State of Florida asking if they had ever installed a similar facility. No municipality had used an above ground pool for use by the general public.
- Researched several vendors of above ground pools to identify what commercial grade pools were available and which one would best meet the City's needs. The research results indicated that there were no commercial grade above ground pools on the market. The largest pool identified had a swim area 24 ft round and 4 ft deep throughout. Due to the depth of the pools the smaller children (under 4 feet tall) would not be able to use the above ground pool and would still transported to the Flamingo pool for lessons and pool play opportunities. Additionally, the 4 foot depth would cause the water to be very hot when heated by the sun. The purchase and installation of a water aerator would be required to ensure no one experiences heat related illness. It was determined that the maximum capacity of the pool at any one time would be 20 children per ½ hour with no more than 100 total per day. This number could double if 2 pools were installed. The total was based on the estimated swimmer load the filtration system could handle and still function properly.

- Contacted the State of Florida Department of Health and Miami-Dade County Health Department, Environmental Health and Engineering Division to determine if an above ground pool for municipal use could be permitted.
- Met with the City's Building Department to determine if construction drawings (electrical, plumbing and structural) must be submitted for review, approval and permitting.
- Determined that all related ADA requirements (Americans with Disabilities Act) requirements must be met. These include an accessible route of travel, accessible showers, restrooms and changing areas, a ramp system approximately 48 foot long plus a number of landing areas in between lengths of ramp, a deck approximately 8 ft wide around the pool to permit ADA and pedestrian access. It was noted that there would be no space for deck or lounge chairs, tables, shade structures, concessions or any other amenities that are available and utilized by our residents at the Scott Rakow and Flamingo pools. Additionally, there would be a requirement to install an ADA pool lift. The pool lift, usually designed for permanent pool and deck installation would need to be adapted to proper fitting on the above ground pool deck.
- Determined that the swim area and pool deck would require a security fence to prevent unauthorized usage at night and a security guard would be needed to further ensure the pool is not entered while closed.
- Identified potential issues with the CWA union concerning working conditions for the life guards assigned to the facility due to lack of rest/ break area.
- Determined that the total estimated cost for purchase, installation, removal of 2 above ground pools for the 8 week summer program period was approximately \$87,665.
- At the February Parks and Recreational Facilities Board meeting when the concept of the above ground pools was discussed. At the conclusion of the discussion the Board unanimously passed a motion recommending the children be bused to the Scott Rakow Youth Center & Flamingo Park Pool instead of investing in an above-ground pool. The Board felt that all the emphasis should be made on getting the Normandy Isle Pool open.

On February 27, 2006, the Parks & Recreation Department Administration received a written response from the Miami-Dade County Health Department, Environmental Health and Engineering Division stating that the State Health Department can not permit or approve this type of pool under Florida Statute 514.

Alternative Option

As an alternative to the above ground pool and in an effort to alleviate the inconvenience to the residents who would regularly utilize the Normandy Isle Park pool the Administration would offer the following recommend for consideration. Since the closure of the Normandy Isle Park pool the Parks and Recreation Department has transported all the summer camp participants to either the Flamingo or Scott Rakow pools twice per week for an in pool time of 1 hour per visit. This program would be continued for the summer of 2006. This has proven very successful and the campers thoroughly enjoy the experience.

In addition to continuing this very successful program the Administration and the Parks & Recreation Department is proposing to operate a free "Summer Splash" city bus that will operate on Saturdays and Sundays between the hours of 12:00 P.M. and 5:00 P.M. to transport any one from the north end to the Flamingo Park pool. The "Splash" would have Recreation staff on board to sign in and maintain a record of all swimmers to ensure everyone who goes to the pool also returns.

The bus will make regularly scheduled round trips from North Shore Park so anyone interested in going to the pool can. It is estimated at this time the cost to provide this service will not exceed \$10,000 for the summer. We would propose to properly promote and operate this service on a trial basis for the month of June and it proves successful continue its operation through to August 13, 2006.

Please advise if you have questions or comments.

JMG/KS

CC: Robert C. Middaugh, Assistant City Manager
Kevin Smith, Parks & Recreation Director
Julio Magrisso, Assistant Parks & Recreation Director

F:\cmgr\\$\ALL\LTC-06\Above Ground Pool.doc



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager
FROM: Richard L. Steinberg, Vice Mayor *RLS/mt*
DATE: February 21, 2006
SUBJECT: Agenda Item - Mount Sinai Medical Center Urgent Request for Hurricane Mitigation Funding

Please place this item regarding Mount Sinai Medical Center's urgent request for hurricane mitigation funding for discussion on the March 8, 2006 Commission agenda.

If you have any questions, please feel free to contact my Aide, Ms. Marlene Taylor, at extension 6087.

RLS/mt

RECEIVED
2006 FEB 21 AM 11:15
CITY MANAGER'S OFFICE
BY _____

Agenda Item R9D
Date 3-8-06

C: Trish
Kathie
Lilia ✓



**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

**TO: JORGE M. GONZALEZ
CITY MANAGER**

FROM: SIMON CRUZ 
COMMISSIONER

DATE: FEBRUARY 16, 2006

RE: AGENDA ITEM

Please place on the March 8th City Commission Meeting for discussion and referral to the Finance City Wide Projects Committee the request for a \$1.9 million dollar funding for Hurricane related repairs by Mount Sinai Hospital. Also for further discussion and referral is the Hospital's request for a seven year \$35 million hurricane preparedness capital investment program.

SC/ml

Attachments



MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

RECEIVED
MEMORANDUM FEB 21 PM 12:2

CITY MANAGERS OFF
BY _____

TO: Jorge M. Gonzalez, City Manager

FROM: Luis R. Garcia, Jr., Commissioner

DATE: February 21, 2006

SUBJECT: Mount Sinai Medical Center agenda item for March 8, 2006

Please place on the March 8th commission agenda an item from Mount Sinai Medical Center requesting hurricane mitigation funding. I have attached a copy of their letter for your review.

Also, I would like to invite my fellow commissioners to join me in co-sponsoring Mount Sinai's request.

If you have any questions or comments, please feel free to contact my secretary, Sandra Meyer at x 6765.

LRG/sm

Cc: Mayor and City Commissioners



COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: Health Facilities Authority Grant Process

On July 25, 1990, the City Commission of the City of Miami Beach adopted Ordinance No. 90-2701, creating the City of Miami Beach Health Facility Authority (CMBHFA), in accordance with Section 154.207 of the Florida Statutes, to assist health facilities in the acquisition, construction, financing, and refinancing of health facility related projects in the City.

The Ordinance, as amended, provides that the CMBHFA can issue bonds and notes for the purpose of providing funds to pay all or any part of the cost of any project or any other lawful purpose and to issue refunding bonds. Further, it provides that the City Commission must approve any bonds issued by the CMBHFA as the final step in the approval process.

Additionally, the CMBHFA may charge a fee of 20 basis points (.2%) of the total bond issue plus an annual fee of 4 basis points (.04%) on the outstanding balance. Pursuant to FS Section 154.207(14), these monies may be donated at the end of the fiscal year, after its administrative costs and expenses are paid, to the City of Miami Beach. The City then must appropriate and disburse those funds to nonprofit human health services agencies.

The members of the CMBHFA have indicated that they would like to participate in the determination of the use of the Authority's available funds by conducting a grant process and recommending the best projects to the City Commission.

As this will be the first time the Authority considers such a distribution, the Authority members should first engage in a dialogue to determine the type of process they wish to follow. During this discussion they should determine whether the distribution will be of all excess funds on hand at this time or only a portion of the funds, such as the amount of recurring revenues they receive. Additionally, they will need to determine such things as: what type of process it will be (i.e. Request for Proposal, or Notice of Funding); the timing of the process, how it will be advertised, who will be eligible to participate and how the use of the grant funding will be monitored. Further, the criteria for award will need to be developed. The City Attorney's office will need to insure that there are no conflicts of interest between Authority members and participants in the distribution process. Additionally, the City should not be precluded from participating in the process or receiving funding.

Following the establishment of the process and criteria, a public process could begin. Applicants would be given a period of time to respond, the Authority members or their designees would be convened as an evaluation committee to review and discuss the proposals/applications for funding and recommendations would be made. Using a process

similar to that used by the Administration in evaluating proposals, the results would be submitted to the City Manager for consideration and then to the City Commission.

One consideration in light of the hurricane activity of the past two seasons and that which is forecast for the next few years, is that a portion of the Authority's funds be used for hazard mitigation to make our primary care health facilities including emergency rooms more hurricane ready. However, the total amount of funds held by the CMBHFA is only \$1.3 million and some portion of that must be retained as a contingency for legal or other costs that may arise as the result of the magnitude of bonds currently outstanding. Additionally, the limited funds that could possibly be distributed should be shared by as many of the City's health care facilities as possible.

Primary sources of funding for disaster and mitigation projects in the City of Miami Beach include the Federal Emergency Management Agency Pre-Disaster Mitigation grant program (PDM), the Hazard Mitigation grant program (HMGP) and the Emergency Management Assistance Trust Funds (EMPATF). All projects for these grant sources are reviewed and ranked by the Miami-Dade County Local Mitigation Strategy Steering Committee.

Miami-Dade County's Local Mitigation Strategy (LMS) is a comprehensive document that provides information on the hazard mitigation strategies, goals, objectives and projects Countywide. The LMS includes a list of projects for funding, and is updated twice a year – June 30 and December 31 of each year. The LMS is published on the County website at www.miamidade.gov/oem.

The City of Miami Beach has \$86.3 million in projects listed in the Miami-Dade County LMS, and of these has applied for \$1.2 million for shutters and window replacement through the PDM and HMGP program; and \$410,000 through EMPATF for generators, emergency operations center equipment, etc. In addition, the City has applied for funding for a Geographic (GIS) system for emergency preparedness and response in the amount of \$322,464 and Emergency Plan Development in the amount of \$96,750 through the HMGP program for planning proposals.

Mt. Sinai Medical Center has \$44.34 million in projects listed in the Miami-Dade County LMS.

The ranking of projects in the LMS for funding is a multi-level evaluation process, which is based on many factors, including the following:

- Importance of benefits to the community, i.e. what is the effect on essential services if the facility is impacted. Essential services include life safety, human health and the basic necessities of life;
- The number of people to benefit (i.e. over 100,000, or fewer than 100,000 people).
- Whether the project is on the critical facilities inventory (hospitals, adult living facilities etc.). For example, a level "A" facility is one that must remain available in all circumstances and remain open at all times, and is therefore ranked the highest.

Jackson Memorial Hospital, for example, is ranked as a Level "A" facility and correspondingly has recently received funding for hazard mitigation activities.

The City of Miami Beach applied for HMGP and PDM funding last year (FY 05/06). Although the City has not yet received funding, from either of these programs, our application is being currently reviewed and is under consideration for potential funding for storm shutters and protective glass of city facilities.

One approach might be to allow the Authority to begin its process and to focus on those facilities, with the greatest need, and the least ability to receive mitigation funding from any other source.



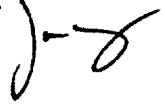
MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 055-2006

LETTER TO COMMISSION

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: February 22, 2006

SUBJECT: Mount Sinai Medical Center

The purpose of this LTC is to transmit the attached correspondence received from Steve Sonnenreich, President and CEO of Mt. Sinai Medical Center.

Mr. Sonnenreich and I routinely meet to ensure appropriate communication and coordination. At our most recent meetings we have generally discussed issues related to our community's hurricane preparedness and the challenges our organizations face given our geographic limitations as a barrier island. The increases in storm activity of the past two years and the predicted weather patterns for the near future, make the issue of hurricane preparedness something that we should all be concerned with.

In his correspondence, Steve identifies the Medical Center's short term and long term issue regarding hurricane preparedness and the hospital's needs. In addition, he identifies a series of services provided by the medical center which he deems are of a charitable or public benefit.

His requests are:

- An "Emergency Allocation" of \$1.9 million to begin to make the facility hurricane ready.
- An allocation of \$35 million to address further hurricane preparedness needs to the facility.

Needless to say, the Medical Center and the services it provides are an incredibly important contributor to the overall quality of life in our community. However, these requests are significant and represent a significant departure from what the City has traditionally obligated itself to fund and support. Traditionally, a municipality's core mission is to provide for public safety, public works and quality of life services such as recreation and culture.

Obviously this request and the policy choices and implications it represents will require your careful attention and consideration.

Pursuant to requests from Commissioners Cruz, Steinberg and Garcia, this subject will be placed on the March 8th Commission Meeting Agenda for discussion and referral to the Finance and Citywide Projects Committee for further consideration.

Should you have any questions or wish to give me additional guidance at this time, please feel free to contact me.

JMG:ptw

Attachment

F:/cmgr/\$all/ltc06/Mount Sinai Letter-LTC

RECEIVED
CITY CLERK'S OFFICE
MARCH 8 AM 10:55

Mount Sinai

M E D I C A L C E N T E R

February 8, 2006

Mr. Jorge Gonzalez
City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Dear Jorge:

Thank you for taking the time to meet with me. It is critical that I communicate to you and our community about the urgency of protecting Mount Sinai in the event of a hurricane. I would like to accentuate several points in the presentation that I made to you:

- Mount Sinai is a not-for-profit, mission-driven organization that reinvests all of its net income back into the hospital and into the community;
- Mount Sinai is a valuable economic engine for the City of Miami Beach as the largest employer and investing more than \$225 million annually in taxes, wages, capital investments, charitable and uncompensated care.
- Mount Sinai provides the only full-service Emergency Department for the community and is committed to staffing it with a comprehensive array of subspecialists, including neurosurgeons;
- Mount Sinai's comprehensive obstetrics and neonatal intensive care program delivered more than 2,000 babies last year;
- Mount Sinai coordinates with the local, state and federal governments to provide emergency response to bioterrorism activity or a mass casualty incident and provides hazardous materials decontamination and other disaster response services;
- Mount Sinai provides emergency and disaster response and plays a critical role for the public safety of Miami Beach;
- Mount Sinai is unable to evacuate in the event of a hurricane due to its size and acuity of its patients. Even after police and fire personnel are evacuated from Miami Beach in a category 4 or 5 hurricane, Mount Sinai must shelter its patients and caregivers in place;

Mount Sinai Campus
4300 Alton Road
Miami Beach, FL 33140
Phone: 305-674-2121
www.msmc.com

Miami Heart Campus
4701 N. Meridian Avenue
Miami Beach, FL 33140
Phone: 305-672-1111

Mount Sinai Aventura
2845 Aventura Boulevard
Aventura, FL 33180
Phone: 305-932-2099

- Mount Sinai protects approximately 1,000 people in a hurricane – this includes critically ill patients, their caregivers, medically fragile residents who are electrically and/or oxygen dependent; expectant mothers; and emergency command personnel;
- Mount Sinai sustained more than \$3 million in damage from Hurricane Wilma;
- Mount Sinai must further harden its facility to achieve maximum protection for its occupants. This includes new windows, shutters, roofs, generators, communication systems, and elevation projects;
- Mount Sinai currently has \$35 million in hurricane preparedness projects pending and has requested support from the City of Miami Beach in the amount of \$5 million per year for seven years to protect Mount Sinai.

We appreciate your direction to find one or several commissioners to sponsor our request and advocate on our behalf at the Commissioners Retreat held in May, where the City's priorities are established for the 2006/2007 budget. I am following up on your recommendation and setting up meetings with the Mayor and Commissioners. If there is anything else I can do to ensure Mount Sinai's success in this endeavor, please let me know. We also appreciate your support and understanding of Mount Sinai's important role in public safety in this community.

Sincerely,



Steven D. Sonenreich
President & Chief Executive Officer

cc: Mayor David Dermer
Commissioner Matti Herrerra Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia
Commissioner Saul Gross
Commissioner Jerry Libbin
Vice Mayor/Commissioner Richard Steinberg

Mount Sinai

MEDICAL CENTER

February 15, 2006

Mr. Jorge Gonzalez
City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

RE: Urgent Request

Dear Jorge:

We are just months from the start of another daunting hurricane season. Just last week, federal weather officials announced that the arrival of the La Nina phenomenon could mean stronger and more numerous storms. During this critical preparation time, I ask you for your urgent support in ensuring that Mount Sinai Medical Center is properly retrofitted and funding is appropriately secured to ensure the safety and ongoing availability of medical services to the residents and tourists of Miami Beach and the Miami-Dade community.

Although the hospital has extensive hurricane and disaster plans and our team of proven physicians, nurses, and other essential employees have consistently demonstrated effectiveness in responding to crises (e.g. Hurricanes Jeanne, Francis, Katrina, Rita and Wilma), a long-term solution is needed to harden and protect our facility, which serves as the health care infrastructure of Miami Beach.

Crucial parts of the medical center's exterior are in serious need of repair or replacement. This increases the probability of damage due to wind-borne debris, even in a low category hurricane. Necessary window and roof retrofit projects not only put the building at greater risk for storm damage, but more urgently, this situation puts critically ill patients, their families and the hospital staff at increased vulnerability.

Mount Sinai needs to immediately commit to more than \$3 million of improvements in windows and roofs. We are ordering \$1.9 million in storm-rated windows now to upgrade our deHirsch Meyer patient tower. We need the City of Miami Beach to urgently assist us with an emergency allocation of \$1.9 million to help us protect Mount Sinai.

The situation is further complicated by limitations of South Florida's health care system, as a whole. Currently, Mount Sinai Medical Center has an exemption to shelter in place during a category 1, 2 or 3 hurricane. The facility is expected to evacuate all patients in the face of stronger storms. However, history has shown it is simply not possible to find

Mount Sinai Campus
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Phone: 305-674-2121
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Phone: 305-672-1111

Mount Sinai Aventura
2845 Aventura Boulevard
Aventura, FL 33180
Phone: 305-932-2099

other facilities willing or able to adequately care for hundreds of displaced patients. Even if space were available, the time and resources needed to execute such a massive evacuation would be prohibitive. Furthermore, just moving such critically ill individuals is a hazard to their health.

In the face of these great challenges, we weathered the 2005 storm season, but not without incurring costly structural damage. Hurricane Katrina caused more than \$500,000 in direct storm damage to the hospital, excluding costs like debris removal and overtime pay. Preliminary damage estimates from Hurricane Wilma have exceeded \$3 million.

Over the past several years, Mount Sinai Medical Center has applied for support under several FEMA mitigation grant programs, specifically the Pre-disaster Mitigation (PDM) and FEMA 404 Hazard Mitigation Grant Programs (HMGP). To date, we have not yet been able to secure funding.

Mount Sinai Medical Center is currently doing everything within its power to ensure that all facilities can withstand wind and flooding and maintain the appropriate structural integrity, power, medical gas and other clinical resources to ensure the safety of its patients, physicians and members of the community who seek shelter and care within the facility. Our plan is focused on installing storm protection measures, including hurricane resistant windows, hurricane resistant roofs, and shutters. Our initial focus is on mitigating damage to the infrastructure which supports our high acuity patient care areas, including the inpatient towers (comprised of ICUs, Telemetry and medical beds), surgical areas, emergency room and other key medical departments essential to serving the community. However, grant funds are essential for us to complete the massive task of hurricane mitigation.

On behalf of Mount Sinai Medical Center, our patients, physicians and employees, I thank you for your time and immediate attention to this critical matter.

Sincerely,



Steven D. Sonenreich
President & Chief Executive Officer

cc: Mayor David Dermer
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia
Commissioner Saul Gross
Commissioner Jerry Libbin
Vice Mayor/Commissioner Richard Steinberg

Mount Sinai
MEDICAL CENTER

TO: Mayor David Dermer
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia
Commissioner Saul Gross
Commissioner Jerry Libbin
Vice Mayor/Commissioner Richard Steinberg

FROM: Steven D. Sonenreich
President & Chief Executive Officer

DATE: February 20, 2006

RE: **Urgent Request for Hurricane Mitigation Funding**

In my letters to you dated February 15th and February 8th, I described our urgent need to prepare the hospital for the upcoming hurricane season.

As I stated in this correspondence, Mount Sinai needs to immediately commit to more than \$3 million of improvements in windows and roofs. We are ordering \$1.9 million in storm-rated windows now to upgrade our deHirsch Meyer patient tower. We need the City of Miami Beach to urgently assist us with an emergency allocation of \$1.9 million to help us protect Mount Sinai.

We respectfully request that you consider sponsoring this urgent item and putting it on the agenda for the next commission meeting scheduled for March 8, 2006. We wish to make a presentation regarding this issue.

On behalf of Mount Sinai Medical Center, our patients, physicians and employees, I thank you for your time and immediate attention to this critical matter.

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MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager
Members of the City Commission

VIA: Robert Parcher, City Clerk

FROM: David Dermer, Mayor 

DATE: February 21, 2006

SUBJECT: MEETING OF WHOLE

Pursuant to Vice Mayor Richard Steinberg's request, there will be a meeting of the whole on March 8, 2006 at 12 noon in the Mayor's conference room to discuss the City Manager's performance evaluation.

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CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM

RECEIVED
2006 FEB 27 PM 4:22
CITY MANAGER'S OFFICE
BY

TO: JORGE GONZALEZ
CITY MANAGER

CC: CITY COMMISSION

FROM: DAVID DERMER
MAYOR

DATE: February 27, 2006

RE: Resolution regarding proposed Florida equal rights amendment

Please place the attached resolution in support of the proposed Florida equal rights amendment on the agenda for the March 8th City Commission meeting.

Please contact my office at extension 7035 if you have any questions.

Thank you.

DD/jh

Agenda Item R9F
Date 3-8-06

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA URGING THE FLORIDA LEGISLATURE TO RATIFY THE PROPOSED EQUAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION AND AUTHORIZING THE CITY CLERK TO SEND CERTIFIED COPIES OF THIS RESOLUTION TO THE PRESIDENT OF THE FLORIDA SENATE, THE SPEAKER OF THE FLORIDA HOUSE, AND THE GOVERNOR OF FLORIDA.

WHEREAS, the Equal Rights Amendment was first introduced in Congress in 1923 and was filed every session thereafter from 1923 to 1972; and

WHEREAS, on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the States for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

“SECTION 1. Equality of rights under the law shall no be denied or abridged by the United States or by any State on account of gender.

SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

SECTION 3. This amendment shall take effect two years after the date of ratification;” and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Florida was not one of the thirty-five states that ratified the Equal Rights Amendment before the deadline expired; and

WHEREAS, in 1998, Florida voters, by a margin of 65 percent to 35 percent, approved a similar amendment to the Florida Constitution when they approved Revision 9, which added and clarified that “all natural persons, female and male alike, are equal before the law,” therefore clearly indicating that ratification of the Equal Rights Amendment would be fully consistent with the will of the majority of the voters in this state, and

WHEREAS, Article V of the United States Constitution allows the Legislature of the State of Florida to ratify this proposed Amendment to the United States Constitution, and bills have been filed in both the Florida House and Senate to ratify the proposed Amendment; and

WHEREAS, the Mayor and City Commission of Miami Beach, Florida find that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social, and economic conditions are the same or are even more pressing as when the proposed Amendment was first submitted for adoption.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, as follows:

Section 1. That the Mayor and City Commission of the City of Miami Beach hereby urge the Florida Legislature to ratify the proposed Equal Rights Amendment to the United States Constitution.

Section 2. That the City Clerk is hereby authorized and directed to send certified copies of this Resolution to the President of the Florida Senate, the Speaker of the Florida House, and the Governor of Florida.



PASSED and ADOPTED this 8th day of March, 2006.

MAYOR
David Dermer

ATTEST:

CITY CLERK
Robert Parcher

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**


City Attorney  **3-2-06**
Date

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MIAMI BEACH

C: Trish
Kathie
Hilda
Lilia

OFFICE OF THE MAYOR AND COMMISSION

MEMORANDUM

TO: Jorge M. Gonzalez, City Manager
FROM: Richard L. Steinberg, Commissioner
DATE: March 1, 2006

 for Commissioner Steinberg

SUBJECT: Agenda Item for Discussion regarding Homeowner's Dividend Fund

Please place on the March 8th Commission Meeting agenda a discussion item of the Finance Committee's discussion of the procedure for distribution of the Homeowner's Dividend Fund through a method that would provide recipients an option to designate said funds for certain uses and for unclaimed funds to be used to enhance public education in Miami Beach.

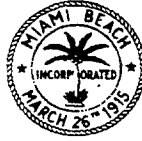
I would also like to request a time certain at 4:55 PM.

Agenda Item R9G
Date 3-8-06

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City of Miami Beach

F L O R I D A




MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: March 8, 2006

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez

FROM: Murray H. Dubbin
City Attorney 

SUBJECT: City Attorney's Status Report

I. LAWSUITS FILED BY OR AGAINST THE CITY OF MIAMI BEACH SINCE THE LAST REPORT

1. City of Miami Beach, a Florida Municipal Corporation, vs. 900 Collins Ave., LLC, a Florida limited liability company. Eleventh Judicial Circuit, Case No. 06-01533 CA10

This case filed by the City in state circuit court against the owners of the property at 900 Collins Avenue seeks to apply the minimum maintenance standards/demolition by neglect ordinance in order to inspect the property and achieve the repair and restoration of the coral rock/Avery Smith house at that location. This structure is among the oldest in Miami Beach, built in approximately 1918.

2. Philipp Klope vs. City of Miami Beach, a Florida municipality; William Sinkes, individually, John Doe1 et al. U.S. District Court, Southern District of Florida, Ft. Lauderdale Division. Case No. 06-60088 CIV-COOKE

This is a tort and civil rights action alleging false arrest and excessive force against the City and a police officer, William Sinkes. The City has filed a Motion to Dismiss.

Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez
Page 2
March 8, 2006

3. Flagstar Bank, FSB. vs. Jose F. Lopez, et al. Eleventh Judicial Circuit, Case No. 06-02035 CA31

This is a mortgage foreclosure case for real property located at 18849 N.W. 63rd Street, Hialeah. Although this property is not located in the City of Miami Beach, an Answer will be filed on February 27, 2006 to protect any potential interests the City might have.

4. Checker Cab/Sunshine Taxi vs. City of Miami Beach, a political subdivision of the State of Florida and Curtis Hodges, individually. Eleventh Judicial Circuit, Case No. 05-13011 CA23 (4)

The City was served with this County Court property damage Complaint on February 13, 2006, wherein the Plaintiff alleges that a City police vehicle driven by our police officer was at fault in a collision which took place on July 16, 2001 at the intersection of Abbot Avenue and 71st Street. There are no personal injuries alleged. A motion to dismiss the police officer with prejudice will be timely filed as well our answer and affirmative defenses.

5. North Beach Citizens for a Safe Neighborhood, PAC; on behalf of John O. Gonzalez, Vernon Williams, and Carmen C. Maronier, vs. City of Miami Beach, a Florida Municipal Corporation, and Harding Village, LTD. Eleventh Judicial Circuit, Appellate Division, Lower tribunal Case No. 1736 Re: 1736-8540 Harding Ave.

This is an appeal, from the decision of the City's Planning Board on November 22, 2005, to the Appellate Division of the Circuit Court challenging the Board's approval of a conditional use for the construction of an adult living facility (ALF) at 8540 Harding Avenue in North Beach for permanent housing for the homeless, as proposed by Harding Village, Ltd. (Carrfour).

6. Norberto Jimenez vs. State of Florida Department of Transportation, City of Miami Beach, H & J Asphalt and H & R Paving, Inc. Eleventh Judicial Circuit, Case No. 06-02260 CA04

The City was served with this Complaint on February 21, 2006, wherein the Plaintiff alleges that on September 24, 2004, his vehicle collided with concrete barricades located on the far right side of the shoulder of Alton Road at 47th Street. We are unaware at this time as

Mayor David Dermer
Members of the City Commission
City Manager Jorge M. Gonzalez
Page 3
March 8, 2006

to what injuries he is alleging. A motion for summary judgment will be timely filed as Alton Road is owned, maintained and controlled by the FDOT.

7. Jeffrey H. Daniel vs. Officer Humphrey et al. United States District Court, Southern District of Florida, Case No. 05-22582 CIV-KING/O'SULLIVAN

Plaintiff proceeding pro se has sued several Miami Beach Police Officers and the City of Miami Beach claiming that he was deprived of his civil rights based on his race. He is also claiming false arrest and excessive force. City is preparing a Motion to Dismiss.

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **PARKING STATUS REPORT – DECEMBER 2005**

The following comments serve to preface attended parking facilities (garages and lots) performance for the month of December 2005. In December 2005, gross revenues at attended facilities (garage and lots) increased by 10.24% as compared to the prior year's period. During the month of December 2005, the Parking Department's attended locations earned a net profit of \$551,778.15. This is an increase in net profit of \$29,839.28 or 5.72% as compared to the same period in the prior year. The year to date net profit is \$1,203,793.31 this is a decrease in net profit of \$345,914.94 or 22.32%.

A) 17th Street Municipal Parking Garage: December 2005

During the month of December 2005, the 17th Street Garage had net revenues of \$248,878.14. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$62,880.00, transient parking revenues of \$178,198.14 and valet rental fees of \$7,800.00. Net revenues increased from \$222,871.23 in 2004, to \$248,878.14 in 2005; an 11.67% increase in net revenues. After subtracting operating expenses of \$101,373.55 the facility had a net profit for the month in the amount of \$147,504.59. This represents an increase in net profit for the facility in the amount of \$5,651.30 or 3.98% when compared to the same period in the previous year. This increase is primarily attributable to an increase in transient parking revenue of \$18,086.91, an increase in facility-specific access-card revenues of \$6,420.00, and an increase in valet rental fees of \$1,500.00; off-set by an increase in attendant/cashier labor expense of \$13,242.04; an increase in security personnel expense of \$3,053.95 and an increase in revenue control equipment maintenance expense of \$3,246.98. The 17th Street Garage served a total of 90,360 parkers in the month of December, 2005.

B) 7th Street Municipal Parking Garage: December 2005

During the month of December 2005, the 7th Street Municipal Parking Garage had net revenues of \$150,556.00. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$16,125.00 and transient parking revenues of \$134,431.00. When compared to the same month in the prior year (December 2004), net revenues increased from \$139,885.97 in 2004 to \$150,556.00 in 2005; a 7.63% increase in net revenues. After subtracting operating expenses of \$65,575.62 and debt service of \$59,500.00 the facility had a net profit for the month in the amount of \$25,480.38. This is an increase in net profit of \$462.48 or 1.85% from December 2004. This increase is primarily attributable to an increase in transient parking revenue of \$8,345.03, an increase in facility-specific access-card revenues of \$2,325.00; off-set by an increase in attendant/cashier labor expense of \$5,988.02 and an increase in security personnel expense of \$5,044.90. The 7th Street Garage served a total of 33,285 parkers in the month of December, 2005.

Agenda Item B

Date 3-8-06

C) 5-A Municipal Surface Parking Lots (Washington Avenue to Pennsylvania and 17th Street): December 2005

During the month of December 2005, the 5-A Surface Lots had net revenues of \$184,013.30. Net revenues are total revenues collected, minus sales tax, and are comprised of facility-specific access-card revenues of \$18,540.00 and transient parking revenues of \$165,473.30. Net revenues increased from \$161,919.03 in 2004, to \$184,013.30 in 2005; a 13.65% increase in net revenues. After subtracting operating expenses of \$38,396.73 the facility had a net profit for the month in the amount of \$145,616.57. This represents an increase in net profit for the facility in the amount of \$8,623.11 or 6.29% when compared to the same period in the previous year. This increase is primarily attributable to an increase in transient parking revenue of \$20,474.27; off-set by an increase in attendant/cashier labor expense of \$12,445.20. The 5-A Municipal Surface Parking Lot served a total of 50,549 parkers in the month of December, 2005.

D) 12th Street Municipal Parking Garage: December 2005

During the month of December 2005, the 12th Street Garage had net revenues of \$19,846.71. Net revenues are comprised of facility-specific monthly parking revenues of \$4,020.00 and transient parking revenues of \$19,846.71. When compared to the same month in the prior year (December 2004), net revenues decreased from \$32,893.65 in 2004, to \$23,866.71 in 2005; a 27.44% decrease in net revenues. After subtracting operating expenses of \$19,084.28 the facility had a net profit for the month in the amount of \$4,782.43. This is a decrease in net profit of \$11,798.13 or 71.16% from December 2004. This decrease is primarily attributable to a decrease in transient parking revenues of \$88,186.94; and an increase in attendant/cashier labor expense of \$3,243.04. In addition, the garage has been intermittently closed due to renovations. These renovations include lighting, painting, concrete work, expansion joint and structural repairs. During the month of December ticket revenue was also reduced due to the renovation of the garage. The 12th Street Garage served a total of 3,590 parkers in the month of December 2005.

E) 13th Street Municipal Parking Garage: December 2005

During the month of December 2005, the 13th Street Garage had net revenues of \$63,424.65. Net revenues are comprised of facility-specific monthly parking permit revenues of \$9,720.00 and transient parking revenues of \$53,704.65. Compared to the same month in the prior year (December 2004), net revenues increased from \$58,627.85 in 2004, to \$63,424.65 in 2005; representing an 8.18% increase in net revenues. After subtracting operating expenses of \$28,417.64, the facility had a net profit for the month in the amount of \$35,007.01. This is an increase in net profit of \$5,889.51 or 20.23% from December 2004. This increase is primarily attributable to an increase in transient parking revenues of \$3,716.80 and an increase in facility-specific monthly parking permit revenues of \$1,080.00; a decrease in attendant/ cashier labor expense of \$4,048.02 off-set by an increase in security personnel of \$1,049.06 and an increase in revenue control equipment maintenance expense of \$1,617.04. The 13th Street Garage served a total of 12,364 parkers in the month of December 2005.

F) 16th Street-Anchor Parking Garage: December 2005

During the month of December, 2005, the 16th Street Garage had net revenues of \$169,972.16. Net revenues are comprised of facility-specific monthly parking revenues of \$35,850.00, transient parking revenues of \$105,778.72, and valet rental fees of \$28,343.44. Compared to the same month in the prior year (December 2004), net revenues increased

from \$139,044.40 in 2004 to \$169,972.16 in 2005; representing a 22.24% increase in net revenues. After subtracting operating expenses of \$49,000.64 the facility had a net profit for the month in the amount of \$120,971.52. This is an increase in net profit of \$27,661.57 or 29.64% from December 2004. This increase is primarily attributable to an increase in transient parking revenue of \$19,474.04, an increase in valet rental fees of \$6,053.72, an increase in facility-specific monthly parking revenues of \$5,400.00; a decrease in security personnel expense of \$3,103.24 and a decrease in elevator maintenance expense of \$1,277.33; off-set by an increase in attendant/cashier labor expense of \$5,420.00 and an increase in FP& L expense of \$1,844.28. The 16th Street Garage served a total of 25,210 parkers in the month of December, 2005.

G) 42nd Street Municipal Parking Garage: December 2005

During the month of December, 2005, the 42nd Street Garage had net revenues of \$32,360.38. Net revenues are comprised of facility-specific monthly parking revenues of \$28,980.00 and transient parking revenues of \$3,380.38. Compared to the same month in the prior year of December (2004), net revenues decreased from \$36,706.91 in 2004, to \$32,360.38 in 2005; representing an 11.84% decrease in net revenues. After subtracting operating expenses of \$19,444.73 the facility had a net profit for the month in the amount of \$12,915.65. This is a decrease in net profit of \$6,650.56 or 33.99% from December 2004. This decrease is primarily attributable to a decrease in facility-specific monthly parking revenues of \$4,740.00, an increase in attendance/cashier labor expense of \$1,249.61, an increase in revenue control equipment maintenance expense of \$2,367.04.66; off-set by a decrease in security personnel expense of \$1,367.93. The 42nd Street Garage served a total of 18,892 parkers in the month of December, 2005.

H) Electronic Parking Meter Revenue Comparison: December 2005

This statement compares parking meter revenue collected in December 2005, with revenue collected in December 2004. When comparing revenues for December 2005 in the amount of \$709,579.72 to revenues for December 2004 in the amount of \$725,840.78, the report reflects a decrease of \$16,261.06 or 2.24% in revenues collected. Meter revenue collected does not reflect the change in monthly decal parkers (both commercial and residential), valet rental or construction rental of meters, or metered surface lots either taken out of service, or managed differently than the previous year. In the month of December 2005 decal and permit revenue received was \$98,143.86 and meter rental revenue (valet, construction, and special events) was \$117,571.94 versus \$116,427.81 and \$70,767.29 respectively in December 2004. The combined total revenue produced at meters for the month of December 2005 was \$925,295.52. This reflects a decrease from the previous year in the amount of \$12,259.64 or 1.34%.

I) Parking and Transportation Smart Card Sales: December 2005

In the month of December 2005, the Parking Department sold 1,438 Parking Meter Cards to merchants, vendors, hoteliers, and the public, for revenues in the amount of \$34,940.00.

J) Hotel Hangtag Sales: December 2005

In the month of December 2005, the Parking Department sold 1,100 hotel hangtags to hoteliers in the amount of \$6,600.

JMG/RCM/SF/RAR

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**CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY-YEAR TO DATE
December**

LOCATION	REVENUE			Percent of Increase/ (Decrease)	EXPENSES			Percent of Increase/ (Decrease)	PROFIT/(LOSS)			Percent o Increase/ (Decrease)
	2004 December YTD	2005 December YTD	Increase/ (Decrease)		2004 December YTD	2005 December YTD	Increase/ (Decrease)		2004 December YTD	2005 December YTD	Increase/ (Decrease)	
17 St. Garage	668,514.22	698,980.61	30,466.39	4.56%	252,427.18	288,861.99	36,434.81	14.43%	416,087.04	410,118.62	(5,968.42)	-1.43%
7th St. Garage	451,457.47	427,841.73	(23,615.74)	-5.23%	171,705.79	182,528.82	10,823.03	6.30%	279,751.68	245,312.91	(34,438.77)	-12.31%
17th St. Lots	479,864.61	184,013.30	(295,851.31)	-61.65%	76,844.12	109,382.46	32,538.34	42.34%	403,020.49	74,630.84	(328,389.65)	-81.48%
12th St. Garage	101,284.48	64,992.50	(36,291.98)	-35.83%	50,955.26	56,008.47	5,053.21	9.92%	50,329.22	8,984.03	(41,345.19)	-82.15%
13th St. Garage	165,662.21	181,066.00	15,403.79	9.30%	92,352.09	78,517.91	(13,834.18)	-14.98%	73,310.12	102,548.09	29,237.97	39.88%
42nd St. Garage	110,171.05	96,198.68	(13,972.37)	-12.58%	54,902.03	52,641.64	(2,260.39)	-4.12%	55,269.02	43,557.04	(11,711.98)	-21.19%
16th St. - Anchor	410,974.73	454,236.27	43,261.54	10.53%	139,034.05	135,594.49	(3,439.56)	-2.47%	271,940.68	318,641.78	46,701.10	17.17%
Totals	2,387,928.77	2,107,329.09	(280,599.68)	-11.75%	838,220.52	903,535.78	65,315.26	7.79%	1,549,708.25	1,203,793.31	(345,914.94)	-22.32%

	Revenue Per Space	Expenses Per Space	Profit/(Loss) Per Space	
17 St. Garage	478.75	197.85	280.90	The 17th Street Garage has 1,460 spaces.
7th St. Garage	662.29	282.55	379.74	The 7th Street Garage has 646 spaces.
17th St. Lots	363.66	216.17	147.49	The 17th Street Lots have 506 spaces.
12th St. Garage	485.02	417.97	67.05	The 12th Street Garage has 134 spaces.
13th St. Garage	633.10	274.54	358.56	The 13th Street Garage has 286 spaces.
42nd St. Garage	155.16	84.91	70.25	The 42nd Street Garage has 620 spaces.
16th St. - Anchor	565.67	168.86	396.81	The 16th Street - Anchor Garage has 803 spaces.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
FINANCIAL REPORT SUMMARY
December**

LOCATION	REVENUE			EXPENSES			PROFIT/(LOSS)	
	2004 December	2005 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)	2004 December	2005 December	2004 December	2005 December
17 St. Garage	222,871.23	248,878.14	26,006.91	11.67%	81,017.94	101,373.55	141,853.29	147,504.59
7th St. Garage	139,885.97	150,556.00	10,670.03	7.63%	55,368.07	65,575.62	84,517.90	84,980.38
17th St. Lots	161,919.03	184,013.30	22,094.27	13.65%	24,925.57	38,396.73	136,993.46	145,616.57
12th St. Garage	32,893.65	23,866.71	(9,026.94)	-27.44%	16,313.09	19,084.28	16,580.56	4,782.43
13th St. Garage	58,627.85	63,424.65	4,796.80	8.18%	29,510.35	28,417.64	29,117.50	35,007.01
42nd St. Garage	36,706.91	32,360.38	(4,346.53)	-11.84%	17,140.70	19,444.73	19,566.21	12,915.65
16th St. - Anchor	139,044.40	169,972.16	30,927.76	22.24%	45,734.45	49,000.64	93,309.95	120,971.52
Totals	791,949.04	873,071.34	81,122.30	10.24%	270,010.17	321,293.19	521,938.87	551,778.15
								29,839.28
								29.64%

	Revenue Per Space	Expenses Per Space	Profit/(Loss) Per Space	
17 St. Garage	170.46	69.43	101.03	The 17th Street Garage has 1,460 spaces.
7th St. Garage	233.06	101.51	131.55	The 7th Street Garage has 646 spaces.
17th St. Lots	363.66	75.88	287.78	The 17th Street Lots have 506 spaces.
12th St. Garage	178.11	142.42	35.69	The 12th Street Garage has 134 spaces.
13th St. Garage	221.76	99.36	122.40	The 13th Street Garage has 286 spaces.
42nd St. Garage	52.19	31.36	20.83	The 42nd Street Garage has 620 spaces.
16th St. - Anchor	211.67	61.02	150.65	The 16th Street - Anchor Garage has 803 spaces.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Garage - 2G
December 2005**

LOCATION	ACCOUNTING CODE	2004 December	2005 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
17th Street Garage - 2G						
Revenue						
Revenue-Ticket	480-8000-344583	160,111.23	178,198.14	18,086.91		
Revenue - Valet	480-8000-344583	6,300.00	7,800.00	1,500.00		
Revenue-Monthly Permits	480-8000-344514	<u>56,460.00</u>	<u>62,880.00</u>	<u>6,420.00</u>		
	17th Street - 2G REVENUE (Sales Tax Excluded)	222,871.23	248,878.14	26,006.91	11.67%	\$170.46
Expenses						
Security Personnel		15,852.84	18,906.79	3,053.95 (1).		
Attendant/Cashier Labor		44,920.57	58,162.61	13,242.04 (2).		
FP&L		6,369.53	7,169.17	799.64 (3).		
Revenue Control Equipment Maintenance		2,101.67	5,348.65	3,246.98 (4).		
Armed Guard Revenue Pickup		420.00	433.00	13.00 (5).		
Elevator Maintenance		425.00	425.00	0.00		
Landscape Maintenance		108.33	108.33	0.00		
Garage Cleaning/Maintenance		<u>10,820.00</u>	<u>10,820.00</u>	<u>0.00</u>		
	17th St. Garage - 2G EXPENSES	81,017.94	101,373.55	20,355.61	25.12%	\$69.43
	17th St. Garage PROFIT/(LOSS)	141,853.29	147,504.59	5,651.30	3.98%	\$101.03
Number of Spaces						1460

Notes:

The 17th Street Garage has 1460 spaces. Approximately 40% of the annual revenue is from monthly parkers including valet rentals. The remainder of income is derived from Lincoln Road, Conventions, TOPA, and the New World Symphony.

(1). December 2004 Security Personnel figure consists of 1,292.00 total labor hours. While, December 2005 Security Personnel figure consists of only 1,579.50 total labor hours.

(2). December 2004 Attendant/Cashier Labor figure consists of \$44,920.57 total labor cost. While, December 2005 Attendant/Cashier Labor figure consists of 58,162.61 total labor cost. The increase is due to new "Living Wage" requirements.

(3). December 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2003 through February 2004.

(4). December 2004 Revenue Control Equipment charge reflects the regular monthly service charge of \$ 1,666.67, plus an additional charge of \$435 for a service call to repair a computer. While 2005 Revenue Control Equipment charge of \$5,348.65 reflects the regular monthly service charge of \$1,891.66, plus a charge of \$3,456.99 for two additional service calls of \$475.36 calls.

(5). December 2005 Armed Guard Revenue Pick up charge of \$433.00 reflects the new regular monthly service charge from Brinks.

City of Miami Beach
Parking Department
Daily Revenue Report
17th Street Garage - 2G

December 2005

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Thursday	3376	17:00-17:59	531	\$5,948.75
2	Friday	3963	20:00-20:59	554	\$8,307.59
3	Saturday	4076	17:00-17:59	679	\$11,159.40
4	Sunday	3285	00:00-00:59	379	\$8,357.20
5	Monday	2389	17:00-17:59	413	\$3,057.68
6	Tuesday	2139	09:00-09:59	523	\$2,441.35
7	Wednesday	2119	09:00-09:59	255	\$2,204.82
8	Thursday	2322	12:00-12:59	547	\$2,304.20
9	Friday	2810	17:00-17:59	389	\$3,998.43
10	Saturday	3656	07:00-07:59	1468	\$11,145.98
11	Sunday	3275	14:00-14:59	810	\$7,892.67
12	Monday	2082	12:00-12:59	344	\$2,500.00
13	Tuesday	3270	11:00-11:59	604	\$7,638.21
14	Wednesday	3450	08:00-08:59	575	\$8,172.93
15	Thursday	2384	19:00-19:59	351	\$3,209.68
16	Friday	3579	12:00-12:59	734	\$6,743.63
17	Saturday	3671	12:00-12:59	901	\$9,344.67
18	Sunday	3861	16:00-16:59	756	\$8,481.61
19	Monday	2122	17:00-17:59	368	\$2,906.73
20	Tuesday	2439	17:00-17:59	415	\$3,576.67
21	Wednesday	2740	17:00-17:59	447	\$4,045.98
22	Thursday	2812	17:00-17:59	484	\$4,656.41
23	Friday	3069	16:00-16:59	539	\$5,492.11
24	Saturday	1909	14:00-14:59	383	\$3,245.23
25	Sunday	1716	18:00-18:59	331	\$3,900.49
26	Monday	2658	15:00-15:59	500	\$5,864.86
27	Tuesday	2595	16:00-16:59	443	\$4,412.41
28	Wednesday	2739	17:00-17:59	444	\$4,584.90
29	Thursday	2930	16:00-16:59	452	\$5,313.16
30	Friday	3617	20:00-20:59	561	\$8,352.60
31	Saturday	3307	15:00-15:59	534	\$8,937.79
	TOTAL	90,360			\$178,198.14
MONTHLY PERMIT REVENUE					\$62,880.00
VALET REVENUE					\$7,800.00
TOTAL NET REVENUE					\$248,878.14

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G
December 2005**

LOCATION	ACCOUNTING CODE	2004 December	2005 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
7th Street Garage - 1G						
Revenue						
Revenue-Ticket	142-8000-344404	126,085.97	134,431.00	8,345.03		
Revenue-Monthly Permits	142-8000-344404	<u>13,800.00</u>	<u>16,125.00</u>	<u>2,325.00</u>		
	7th Street - 1G REVENUE (Sales Tax Excluded)	139,885.97	150,556.00	10,670.03	7.63%	\$233.06
Expenses						
Security Personnel		20,947.96	25,992.86	5,044.90 (1).		
Attendant/Cashier Labor		17,511.32	23,499.34	5,988.02 (2).		
Landscape Maintenance		2,417.67	1,063.67	(1,354.00) (3).		
FP&L		2,452.54	2,893.17	440.63 (4).		
Revenue Control Equipment Maintenance		700.00	775.00	75.00 (5).		
Garage Cleaning/Maintenance		9,242.00	9,242.00	0.00		
Armed Guard Revenue Pickup		420.00	433.00	13.00 (6).		
Elevator Maintenance		1,065.17	1,065.17	0.00		
Surveillance System Maintenance		<u>611.41</u>	<u>611.41</u>	<u>0.00</u>		
	7th Street - 1G EXPENSES	55,368.07	65,575.62	10,207.55	18.44%	\$101.51
	7th St. Estimated Debt Service	59,500.00	59,500.00	0.00	0.00%	\$92.11
	7th St. PROFIT/(LOSS)	25,017.90	25,480.38	462.48	1.85%	\$39.44
Number of Spaces						646

Notes:

Generators for this garage are local workers, restaurants, hotels, construction, visitors to SOBE, local beach goers, restaurant patrons, and nightclub patrons.

(1). December 2004 Security Personnel figure consists of only 1,707.25 total labor hours. While, December 2005 Security Personnel figure consists of only 2,171.50 total labor hours.

(2). December 2004 Attendant/Cashier Labor figure consists of \$17,511.32 total cost. While, December 2005 Attendant/Cashier Labor figure consists of \$23,499.34 total cost. The increase is due to new "Living Wage" requirements.

(3). December 2004 Landscape Maintenance charge of \$2,417.67 reflects the regular monthly service charge of \$918.67, plus an additional charge of \$1,499 for 12 hours of labor to cut and clear dead plants. While December 2005 reflects the monthly regular charge of \$ 918.67, plus an additional charge of \$145.00 for 2 hours of labor to repair irrigation clock.

(4). December 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2003 through February 2004.

(5). December 2004 Revenue Control Equipment Maintenance charge reflects the regular monthly service charge of \$700. While December 2005 reflects the monthly charge of \$ 775, plus one additional charge of \$407.48 to fix lower gate arm.

(6)-December 2005 reflects the new monthly charge of \$ 433.00 from Brinks.

City of Miami Beach
Parking Department
Daily Revenue Report
7th Street Garage - 1G

December-05

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Space Rental Goldman - No Tax	Daily Space Rental Other - Incl. Tax	Daily Revenue Including Tax
1	Thursday	646	16:00-16:59	110	375.00	139.79	\$1,807.48
2	Friday	984	23:00-23:59	174	375.00	139.79	\$5,815.89
3	Saturday	1725	16:00-16:59	289	375.00	139.79	\$10,204.67
4	Sunday	1345	00:00-00:59	276	375.00	139.79	\$4,787.85
5	Monday	660	16:00-16:59	132	375.00	139.79	\$2,621.50
6	Tuesday	605	14:00-14:59	94	375.00	139.79	\$1,750.47
7	Wednesday	210	12:00-12:59	63	375.00	139.79	\$1,571.03
8	Thursday	696	19:00-19:59	123	375.00	139.79	\$2,062.62
9	Friday	1103	23:00-23:59	207	375.00	139.79	\$6,571.96
10	Saturday	1698	23:00-23:59	241	375.00	139.79	\$8,253.27
11	Sunday	1080	15:00-15:59	229	375.00	139.79	\$4,503.74
12	Monday	416	18:00-18:59	78	375.00	139.79	\$1,899.07
13	Tuesday	536	17:00-17:59	88	375.00	139.79	\$1,555.14
14	Wednesday	599	15:00-15:59	107	375.00	139.79	\$1,499.07
15	Thursday	639	19:00-19:59	119	375.00	139.79	\$1,793.46
16	Friday	1033	23:00-23:59	180	375.00	139.79	\$6,239.25
17	Saturday	1631	15:00-15:59	287	375.00	139.79	\$9,604.67
18	Sunday	1260	00:00-00:59	286	375.00	139.79	\$4,262.62
19	Monday	644	19:00-19:59	111	375.00	139.79	\$2,188.79
20	Tuesday	724	18:00-18:59	117	375.00	139.79	\$2,139.25
21	Wednesday	746	15:00-15:59	133	375.00	139.79	\$2,045.79
22	Thursday	835	15:00-15:59	149	375.00	139.79	\$2,289.72
23	Friday	1063	23:00-23:59	166	375.00	139.79	\$5,772.90
24	Saturday	1047	15:00-15:59	185	375.00	139.79	\$5,990.65
25	Sunday	1309	17:00-17:59	211	375.00	139.79	\$6,064.49
26	Monday	1638	16:00-16:59	338	375.00	139.79	\$4,787.85
27	Tuesday	1255	15:00-15:59	265	375.00	139.79	\$3,817.79
28	Wednesday	1426	17:00-17:59	284	375.00	139.79	\$4,819.63
29	Thursday	1760	15:00-15:59	342	375.00	139.79	\$6,003.74
30	Friday	2021	15:00-15:59	371	375.00	139.79	\$11,163.55
31	Saturday	1951	16:00-16:59	288	375.00	139.79	\$9,953.27
TOTAL		33,285			\$11,625.00	\$4,193.70	\$143,841.18

TOTAL GROSS REVENUE	\$11,625.00	\$4,193.70	\$143,841.18
SALES TAX	\$0.00	\$274.35	\$9,410.18
TOTAL NET REVENUE	\$11,625.00	\$3,919.35	\$134,431.00

Monthly Budgeted Revenue Needed to Break Even - FY 04/05 (Includes Debt Service)			
Less Current Month Net Revenue			\$149,975.35
Over/(Short)			\$149,975.35
Monthly Space Rental			
Goldman Properties - 155	\$11,625.00	No tax included	
Other - 54	\$4,333.50	Tax included	

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A - East and West
December 2005**

LOCATION	ACCOUNTING CODE	2004 December	2005 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
17th Street Lots - 5A East & West						
Revenue						
Revenue-Ticket	480-8000-344515	144,999.03	165,473.30	20,474.27		
Revenue-Monthly Permits	480-8000-344596	16,920.00	18,540.00	1,620.00		
	17th Street Lots - 5A REVENUE (Sales Tax Excluded)	161,919.03	184,013.30	22,094.27	13.65%	\$363.66
Expenses						
Security Personnel		751.54	1,077.12	325.58 (1).		
Attendant/Cashier Labor		21,613.21	34,058.41	12,445.20 (2).		
Revenue Control Equipment Maintenance		1,666.67	2,367.05	700.38 (3).		
Landscape Maintenance		502.67	502.67	0.00		
FP&L		391.48	391.48	0.00		
	17th St. Lots - 5A EXPENSES	24,925.57	38,396.73	13,471.16	54.05%	\$75.88
	17th St. Lots - 5A PROFIT/(LOSS)	136,993.46	145,616.57	8,623.11	6.29%	\$287.78
Number of Spaces						506

Notes:

(1). December 2004 Security Personnel figure consists of only 61.25 total labor hours. While, December 2005 Security Personnel figure consists of only 90.00 total labor hours.

(2). December 2004 Attendant/Cashier Labor figure consists of total \$21,613.21. While, December 2005 Attendant/Cashier Labor figure consists of \$34,058.41. The increase is due to new "Living Wage" requirements.

(3)- December 2004 Revenue Control Equipment Maintenance charge of \$1,666.67 reflects the regular monthly charge. While December 2005 Revenue Control Equipment Maintenance charge of \$2,367.05 reflects the new regular monthly service charge of \$ 1,891.66 from Consolidated Parking Equipment plus a charge of \$ 475.39 for one service call to fix lower gate arm.

City of Miami Beach
Parking Department
5A Surface Lots East and West

December-05

Date	Day	East Total Vehicle Entries	East Daily Ticket Revenue	West Total Vehicle Entries	West Daily Ticket Revenue	Total Daily Ticket Revenue
1	Thursday	74	\$2,846.02	872	\$2,716.45	\$5,854.47
2	Friday	879	\$3,412.79	993	\$3,645.05	\$7,057.84
3	Saturday	961	\$4,504.52	1082	\$5,108.04	\$9,612.56
4	Sunday	1052	\$3,161.50	1012	\$2,748.60	\$5,910.10
5	Monday	769	\$2,413.16	706	\$1,982.43	\$4,160.26
6	Tuesday	665	\$1,516.22	737	\$1,747.10	\$3,263.32
7	Wednesday	663	\$1,730.13	595	\$1,430.47	\$3,160.00
8	Thursday	724	\$2,400.67	711	\$1,914.77	\$3,160.60
9	Friday	899	\$3,288.30	829	\$2,815.14	\$6,103.44
10	Saturday	909	\$4,349.35	847	\$3,772.90	\$8,122.25
11	Sunday	784	\$2,458.17	692	\$1,680.93	\$4,139.10
12	Monday	711	\$1,707.48	596	\$1,385.98	\$3,093.46
13	Tuesday	902	\$2,517.12	938	\$2,754.02	\$5,271.14
14	Wednesday	827	\$2,533.23	946	\$2,759.25	\$5,292.48
15	Thursday	789	\$2,490.69	665	\$1,766.92	\$4,257.61
16	Friday	912	\$3,383.66	957	\$2,967.10	\$6,350.76
17	Saturday	912	\$4,565.61	624	\$3,440.19	\$8,005.80
18	Sunday	776	\$2,829.42	695	\$2,186.17	\$5,015.59
19	Monday	657	\$1,547.48	651	\$1,486.92	\$3,034.40
20	Tuesday	731	\$1,686.50	625	\$1,705.05	\$3,391.55
21	Wednesday	792	\$1,864.30	750	\$1,666.36	\$3,530.66
22	Thursday	827	\$2,711.25	835	\$2,555.70	\$5,266.95
23	Friday	926	\$3,518.54	838	\$2,720.19	\$6,238.73
24	Saturday	820	\$3,051.13	471	\$1,569.16	\$4,620.29
25	Sunday	929	\$2,445.12	693	\$1,702.99	\$4,148.11
26	Monday	924	\$2,582.80	830	\$2,028.97	\$4,611.77
27	Tuesday	870	\$2,417.68	862	\$2,220.37	\$4,638.05
28	Wednesday	953	\$2,591.36	1030	\$2,674.21	\$5,265.57
29	Thursday	953	\$3,869.27	1044	\$3,442.80	\$7,312.07
30	Friday	989	\$4,082.17	1057	\$3,960.56	\$8,042.73
31	Saturday	855	\$3,682.39	932	\$3,859.25	\$7,541.64
		25,434	88,158.03	25,115	\$78,414.04	\$165,473.30
MONTHLY PERMIT REVENUE						\$18,540.00
TOTAL NET REVENUE						\$184,013.30

Excel (Fdrive/Ping/\$Pers/P&L/2003/January/5alotsrev.xls)OL/LN

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A
December**

LOCATION	ACCOUNTING CODE	2004 December	2005 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
12th Street Garage - 2A						
Revenue						
Revenue-Ticket	480-8000-344504	28,033.65	19,846.71	(8,186.94) (1).		
Revenue-Monthly Permits	480-8000-344593	<u>4,860.00</u>	<u>4,020.00</u>	<u>(840.00)</u>		
	12th Street - 2A REVENUE (Sales Tax Excluded)	32,893.65	23,866.71	(9,026.94)	-27.44%	\$178.11
Expenses						
Security Personnel		7,426.42	6,954.57	(471.85) (2).		
Attendant/Cashier Labor		7,132.13	10,375.17	3,243.04 (3).		
FP&L		108.54	108.54	0.00		
Elevator Maintenance		125.00	125.00	0.00		
Garage Cleaning/Maintenance		<u>1,521.00</u>	<u>1,521.00</u>	<u>0.00</u>		
	12th Street - 2A EXPENSES	16,313.09	19,084.28	2,771.19	16.99%	\$142.42
	12th Street - 2A PROFIT/(LOSS)	16,580.56	4,782.43	(11,798.13)	-71.16%	\$35.69
Number of Spaces						134

- Notes:**
The 12th Street Garage achieves 16% of it revenue from permits, the balance is from transients arriving for court appearances, local workers, beachgoers, and nightclub patrons.
- (1)- December 2004 daily revenue ticket is average of \$934.45. While December 2005 daily revenue ticket is an average of \$661.55 . Also December revenue ticket decreased due to garage renovation.
- (2). December 2004 Security Personnel figure consists of 605.25 total labor hours. While, December 2005 Security Personnel figure consists of only 581.00 total labor hours.
- (3). December 2004 Attendant/Cashier Labor figure consists of \$7,132.13 total cost. While, December 2005 Attendant/Cashier Labor figure consists of \$10,375.17. The increase is due to new "Living Wage" requirements.

City of Miami Beach
Parking Department
12th Street Garage - 2A Garage

December-05

Date	Day	CMB	ARMOR	P.O	EMPLOYEE	COURT	BEST	HAND.	OTHERS	DAILY TICKETS	TOTAL ENTRIES	Daily Ticket Revenue
1	Thursday	1	1	1	5	5	0	1	8	96	118	\$493.46
2	Friday	1	1	0	4	8	0	2	6	84	106	\$581.31
3	Saturday	0	1	0	1	0	0	4	3	100	109	\$779.44
4	Sunday	0	1	0	2	0	0	1	1	87	92	\$725.23
5	Monday	6	0	0	4	2	0	0	3	76	91	\$379.44
6	Tuesday	1	2	0	4	2	0	0	3	75	87	\$330.84
7	Wednesday	3	4	2	1	3	0	0	2	92	107	\$461.68
8	Thursday	7	3	1	5	5	0	1	7	82	111	\$465.42
9	Friday	2	1	0	4	5	0	3	6	105	126	\$826.17
10	Saturday	0	1	0	2	1	0	1	5	104	114	\$801.87
11	Sunday	0	0	0	2	0	0	0	1	74	77	\$557.01
12	Monday	3	2	1	3	2	0	1	1	68	81	\$315.89
13	Tuesday	1	2	1	1	2	0	0	3	85	95	\$355.14
14	Wednesday	0	1	0	2	6	0	1	2	102	114	\$465.42
15	Thursday	0	3	2	5	3	0	2	1	85	101	\$418.69
16	Friday	0	3	1	5	4	0	5	2	117	137	\$760.75
17	Saturday	0	0	0	2	0	0	3	0	96	101	\$732.71
18	Sunday	0	1	0	2	0	0	3	1	95	102	\$751.40
19	Monday	14	1	0	3	2	0	3	1	87	111	\$450.47
20	Tuesday	1	1	0	0	4	0	3	1	121	131	\$603.74
21	Wednesday	1	1	0	2	7	0	2	0	158	171	\$656.07
22	Thursday	3	1	1	6	4	0	2	1	112	130	\$528.97
23	Friday	1	1	3	3	6	0	1	2	117	134	\$775.70
24	Saturday	0	1	0	2	0	0	2	0	100	105	\$770.09
25	Sunday	0	1	0	1	0	0	1	0	91	94	\$680.37
26	Monday	0	0	0	0	0	0	0	3	103	106	\$882.24
27	Tuesday	1	0	0	4	6	1	2	2	107	123	\$553.27
28	Wednesday	0	1	0	3	2	0	0	0	92	98	\$523.36
29	Thursday	1	2	1	5	4	0	1	3	113	130	\$605.61
30	Friday	1	0	1	4	7	1	2	7	192	215	\$1,394.39
31	Saturday	0	1	1	2	0	0	5	1	163	173	\$1,220.56
TOTAL		48	38	16	89	90	2	52	76	3179	3590	\$19,846.71
MONTHLY PERMIT REVENUE												\$4,020.00
TOTAL NET REVENUE												\$23,866.71

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**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A
December 2005**

LOCATION	ACCOUNTING CODE	2004 December	2005 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
13th Street Garage - 17A						
Revenue						
Revenue-Ticket	480-8000-344566	49,987.85	53,704.65	3,716.80		
Revenue-Monthly Permits	480-8000-344527	<u>8,640.00</u>	<u>9,720.00</u>	<u>1,080.00</u>		
	13th Street - 17A REVENUE (Sales Tax Excluded)	58,627.85	63,424.65	4,796.80	8.18%	\$221.76
Expenses						
Security Personnel		9,843.61	10,892.67	1,049.06 (1).		
Attendant/Cashier Labor		15,169.47	11,121.45	(4,048.02) (2).		
Landscape Maintenance		216.67	216.67	0.00		
FP&L		1,419.60	1,695.81	276.21 (3).		
Revenue Control Equipment Maintenance		750.00	2,367.04	1,617.04 (4).		
Elevator Maintenance		170.00	170.00	0.00		
Armed Guard Revenue Pickup		420.00	433.00	13.00 (5).		
Garage Cleaning/Maintenance		<u>1,521.00</u>	<u>1,521.00</u>	<u>0.00</u>		
	13th Street - 17A EXPENSES	29,510.35	28,417.64	(1,092.71)	-3.70%	\$99.36
	13th Street - 17A PROFIT/(LOSS)	29,117.50	35,007.01	5,889.51	20.23%	\$122.40
Number of Spaces						286

- Notes:**
- The 13th Street Garage achieves 15% of its revenue from permits, the balance is transient revenue. The generators are residents, local workers, construction workers, visitors to SOBE, beachgoers, and restaurant patrons.
- (1). December 2004 Security Personnel figure consists of 802.25 total labor hours. While, December 2005 Security Personnel figure consists of only 910.00 total labor hours.
- (2). December 2004 Attendant/Cashier Labor figure consists of \$15,169.47 total labor cost . While, December 2005 Attendant/Cashier Labor figure consists of \$11,121.45 total labor cost. The Decrease is due to the new automated pay on foot machine.
- (3). December 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2003 through February 2004.
- (4). December 2005 Revenue Control Equipment Maintenance charge of \$2,367.04 reflects the new regular monthly service charge of \$ 1,891.66 from Consolidated Parking Equipment, plus one service call of \$475.38 to fix Lower Gate Arm.
- (5). December 2005 Armed Guard Revenue Pickup charge of \$433.00 reflects the new monthly service charge from Brinks.

City of Miami Beach
Parking Department
13th Street Garage - 17A

December-05

Date	Day	(Art Deco) Residential Decals	Monthly Permits	Handicap	City Wide Decals	Standard Attendants	Armor Security	Best Maintenance	Daily Tickets	Total Entries	Daily Ticket Revenue
1	Thursday	15	1	3	1	3	1	0	467	491	\$2,021.50
2	Friday	16	1	1	2	4	0	1	466	490	\$813.08
3	Saturday	13	0	3	0	4	2	0	471	493	\$1,976.64
4	Sunday	15	1	2	1	4	1	0	466	490	\$2,080.37
5	Monday	16	0	3	1	3	2	0	294	321	\$452.34
6	Tuesday	31	1	5	2	7	3	0	254	303	\$2,357.94
7	Wednesday	16	1	0	1	7	2	0	291	318	\$1,623.36
8	Thursday	12	0	0	3	6	1	0	399	421	\$530.84
9	Friday	15	2	1	5	3	1	0	447	474	\$1,957.94
10	Saturday	15	1	1	3	5	1	0	445	471	\$2,376.64
11	Sunday	12	0	0	1	3	2	0	407	425	\$2,976.64
12	Monday	7	0	4	0	4	2	0	298	315	\$628.04
13	Tuesday	18	2	1	2	5	0	0	240	268	\$1,939.25
14	Wednesday	15	2	2	6	4	2	0	211	242	\$556.07
15	Thursday	14	1	2	2	3	1	0	330	353	\$640.19
16	Friday	12	1	2	1	4	3	0	469	492	\$2,071.96
17	Saturday	11	0	4	1	3	5	0	970	497	\$2,173.83
18	Sunday	10	0	3	0	3	2	0	314	332	\$2,368.22
19	Monday	15	1	1	0	3	1	0	214	235	\$710.28
20	Tuesday	14	0	2	0	3	2	0	349	370	\$2,242.99
21	Wednesday	10	0	1	2	4	2	0	308	327	\$604.67
22	Thursday	16	0	2	0	6	1	0	409	434	\$1,883.18
23	Friday	12	0	3	2	24	3	0	406	450	\$574.77
24	Saturday	11	0	1	0	5	2	0	313	332	\$1,916.82
25	Sunday	10	0	3	0	4	3	0	322	342	\$1,596.26
26	Monday	13	1	2	0	3	2	0	467	488	\$2,535.51
27	Tuesday	11	0	4	0	3	0	0	398	416	\$2,185.98
28	Wednesday	12	1	2	0	1	2	0	447	465	\$680.37
29	Thursday	19	0	1	0	4	1	0	465	490	\$4,073.83
30	Friday	13	0	3	1	6	1	0	482	506	\$2,924.30
31	Saturday	10	0	6	0	4	1	0	292	313	\$2,230.84
TOTAL		429	17	68	37	145	52	1	12111	12364	\$53,704.65
MONTHLY PERMIT REVENUE											\$9,720.00
TOTAL NET REVENUE											\$63,424.65

Excel (Fdrive/Ping/\$Pers/P&L/2003/January/13thstrev.xls)OL/LN

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
16th Street - Anchor Garage
December 2005**

LOCATION	ACCOUNTING CODE	2004 December	2005 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
16th Street - Anchor Garage						
Revenue						
Revenue-Ticket	463-8000-344911	86,304.68	105,778.72	19,474.04		
Revenue -Valet-Loew's	463-8000-344587	22,289.72	28,053.73	5,764.01		
Revenue-Valet-Royal Palm	463-8000-344587	0.00	289.71	289.71		
Revenue-Monthly Permits	463-8000-344903	30,450.00	35,850.00	5,400.00		
	16th St. - Anchor Garage REVENUE (Sales Tax Excluded)	139,044.40	169,972.16	30,927.76	22.24%	\$211.67
Expenses						
Security Personnel		12,484.73	9,381.49	(3,103.24)	(1).	
Attendant/Cashier Labor		16,350.94	21,770.94	5,420.00	(2).	
FP&L		3,384.80	5,229.08	1,844.28	(3).	
Revenue Control Equipment Maintenance		775.00	1,182.48	407.48	(4).	
Armed Guard Revenue Pickup		420.00	433.00	13.00	(5).	
Elevator Maintenance		2,457.97	1,180.64	(1,277.33)	(6).	
Landscape Maintenance		190.00	152.00	(38.00)	(7).	
Garage Cleaning/Maintenance		9,242.00	9,242.00	0.00		
Sanitation (Waste Removal)		179.01	179.01	0.00		
Fire Alarm Service		250.00	250.00	0.00		
	16th St. - Anchor Garage EXPENSES	45,734.45	49,000.64	3,266.19	7.14%	\$61.02
	16th St. Garage PROFIT/(LOSS)	93,309.95	120,971.52	27,661.57	29.64%	\$150.65
Number of Spaces						803

Notes:

Garage contract awarded effective June 9, 2003.

(1) December 2004 Security Personnel figure consists of only 1017.50 total labor hours. While, December 2005 Security Personnel figure consists of 783.75 total labor hours.

(2). December 2004 Attendant/Cashier Labor figure consists of \$16,350.94 total labor cost. While, December 2005 Attendant/Cashier Labor figure consists of \$ 21,770.94 total labor cost. The increase is due to new "Living Wage" requirements.

(3). December 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2003 through April 2004.

(4). December 2004 Revenue Control Equipment Maintenance reflects the monthly charge of \$775.00. While December 2005 Revenue Control Equipment Maintenance charge of \$1,182.48 reflects the regular monthly charge of \$775.00 plus additional charge of 407.48 for one service call.

(5)- December 2005 Armed Guard Revenue Pickup figure consists of \$433.00. New contract from Brinks.

(6). December 2004 Elevator Maintenance charge reflects the regular monthly service charge of \$1,097.97 and two additional service calls of \$1,020 and \$340. December 2005 Elevator Maintenance charge reflects the new regular monthly service charge of \$1,180.64.

(7). December 2005 Landscape Maintenance charge reflects the regular monthly service charge of \$152.00.

City of Miami Beach
Parking Department
Daily Revenue Report
16th Street - Anchor Garage

December-05

Date	Day	Total Vehicle Entries	Peak Period	Peak Vehicle Count	Daily Ticket Revenue
1	Thursday	843	14:00-14:59	139	\$2,860.00
2	Friday	1102	14:00-14:59	149	\$5,587.85
3	Saturday	1458	16:00-16:59	218	\$6,525.23
4	Sunday	892	00:00-00:59	265	\$3,753.27
5	Monday	895	17:00-17:59	120	\$2,725.23
6	Tuesday	577	08:00-08:59	111	\$1,543.93
7	Wednesday	523	16:00-16:59	87	\$1,255.14
8	Thursday	699	17:00-17:59	115	\$2,057.10
9	Friday	1193	20:00-20:59	160	\$4,015.89
10	Saturday	1101	23:00-23:59	201	\$6,761.68
11	Sunday	686	00:00-00:59	196	\$2,925.23
12	Monday	640	14:00-14:59	90	\$1,960.75
13	Tuesday	814	14:00-14:59	230	\$2,751.40
14	Wednesday	651	14:00-14:59	137	\$2,071.03
15	Thursday	619	16:00-16:59	93	\$2,388.79
16	Friday	838	16:00-16:59	109	\$3,179.44
17	Saturday	861	22:00-22:59	126	\$5,642.99
18	Sunday	614	00:00-00:59	156	\$2,827.10
19	Monday	541	13:00-13:59	98	\$1,597.20
20	Tuesday	528	17:00-17:59	82	\$1,610.28
21	Wednesday	515	17:00-17:59	79	\$1,366.36
22	Thursday	553	15:00-15:59	84	\$2,104.67
23	Friday	48	15:00-15:59	90	\$2,752.34
24	Saturday	528	15:00-15:59	83	\$2,123.36
25	Sunday	607	17:00-17:59	99	\$3,029.91
26	Monday	818	15:00-15:59	148	\$2,856.07
27	Tuesday	951	16:00-16:59	165	\$3,488.79
28	Wednesday	1135	13:00-13:59	195	\$4,528.04
29	Thursday	1226	17:00-17:59	196	\$5,161.68
30	Friday	1428	14:00-14:59	209	\$7,147.66
31	Saturday	1326	13:00-13:59	206	\$6,557.01
TOTAL		25,210			\$105,155.42
MONTHLY PERMIT REVENUE					\$35,850.00
VALET REVENUE					\$28,343.44
TOTAL NET REVENUE					\$169,348.86

Note: Garage contract awarded effective June 9, 2003.

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2/28/2006

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A
December 2005**

LOCATION	ACCOUNTING CODE	2004 December	2005 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)	Revenue/ Expense Per Space
42nd St. Garage - 8A						
Revenue						
Revenue-Ticket	480-8000-344531	2,986.91	3,380.38	393.47		
Revenue-Monthly Permits	480-8000-344595	<u>33,720.00</u>	<u>28,980.00</u>	<u>(4,740.00)</u>		
	42nd Street Garage- 8A REVENUE (Sales Tax Excluded)	36,706.91	32,360.38	(4,346.53)	-11.84%	\$52.19
Expenses						
Security Personnel		8,214.77	6,846.84	(1,367.93) (1).		
Attendant/Cashier Labor		3,176.80	4,426.41	1,249.61 (2).		
FP&L		1,927.13	1,982.44	55.31 (3).		
Revenue Control Equipment Maintenance		<u>0.00</u>	2,367.04	2,367.04 (4).		
Elevator Maintenance		430.00	430.00	0.00		
Landscape Maintenance		<u>0.00</u>	<u>0.00</u>	0.00		
Garage Cleaning/Maintenance		<u>3,392.00</u>	<u>3,392.00</u>	<u>0.00</u>		
	42nd St. Garage - 8A EXPENSES	17,140.70	19,444.73	2,304.03	13.44%	\$31.36
	42nd St. Garage PROFIT/(LOSS)	19,566.21	12,915.65	(6,650.56)	-33.99%	\$20.83
Number of Spaces						620

- Notes:**
The primary users of this facility are monthly parkers engaged in local business.
- (1). December 2004 Security Personnel figure consists of only 669.50 total hours . While, December 2005 Security Personnel figure consist of only 572.00 total hours.
- (2). December 2004 Attendant/Cashier Labor figure consists of \$ 3,176.80 total labor cost . While, December 2005 Attendant/Cashier Labor figure consists of \$4,426.41 total labor cost. The increase is due to new "Living Wage" requirements.
- (3). December 2004 FP&L invoice was unable to be obtained. Therefore, the figure used is an estimate based on the average of the FP&L charges from October 2003 through February 2004.
- (4). December 2005 Revenue Control Equipment Maintenance figure consists of \$1,891.66 regular monthly charge plus \$475.38 for one service call.

City of Miami Beach
Parking Department
Daily Revenue Reports
42nd Street Garage - 8A

December-05

Date	Day	Total Vehicle Entries	Daily Ticket Revenue
1	Thursday	724	157.01
2	Friday	720	171.03
3	Saturday	500	-
4	Sunday	403	199.07
5	Monday	738	-
6	Tuesday	769	200.00
7	Wednesday	782	214.02
8	Thursday	694	147.66
9	Friday	926	144.86
10	Saturday	504	-
11	Sunday	410	-
12	Monday	704	166.36
13	Tuesday	656	183.18
14	Wednesday	660	200
15	Thursday	636	127.10
16	Friday	675	130.84
17	Saturday	452	-
18	Sunday	383	-
19	Monday	675	142.99
20	Tuesday	612	184.11
21	Wednesday	602	163.55
22	Thursday	618	131.78
23	Friday	540	82.24
24	Saturday	310	-
25	Sunday	324	-
26	Monday	403	40.19
27	Tuesday	722	115.89
28	Wednesday	728	92.52
29	Thursday	702	125.23
30	Friday	704	126.17
31	Saturday	616	134.58
	TOTAL	18,892	3,380.38
MONTHLY PERMIT REVENUE			\$28,980.00
TOTAL NET REVENUE			\$32,360.38

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
December 2005**

LOCATION	ACCOUNTING CODE	2005 December # of Spaces	2004 December	2005 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)
1X - (Washington - 4th & Lincoln) - On Street	480-8000-344501	291	39,743.09	\$31,556.59	(8,186.50)	-20.60%
1A - (1st Street & Ocean Dr.) - Off Street	480-8000-344502	62	3,259.91	2,906.79		
1A - (1st Street & Ocean Dr.) - Attended	480-8000-344502	0	4,275.70	8,144.84		
Total		62	7,535.61	11,051.63	3,516.02	46.66%
1B - (78 Washington Avenue) - Off Street	480-8000-344617	12	77.67	265.18	187.51	241.42%
2X - (Washington - 5th & Lincoln) - On Street	480-8000-344503	370	40,212.80	21,523.44	(18,689.36)	-46.48%
2B - (6/7 & Meridian) - Off Street	480-8000-344505	25	570.16	266.39	(303.77)	-53.28%
3X - (Collins & Euclid Ave.) On Street	480-8000-344507	68	5,235.29	8,390.91	3,155.62	60.28%
4X - (Alton 7th St.- Dade Blvd.) - On Street	480-8000-344509	491	70,906.21	77,578.63	6,672.42	9.41%
4B - (Alton & 20th St.-Purdy-Dade Blvd.) - On Street	480-8000-344511	213	15,026.30	10,690.81	(4,335.49)	-28.85%
4C - (West Ave & 17th St.) - Off Street	480-8000-344512	66	9,000.47	8,348.79	(651.68)	-7.24%
4D - (West Ave & Lincoln Rd.) - Off Street	480-8000-344513	30	2,923.48	2,916.26	(7.22)	-0.25%
5C - (Convention Ctr. Dr. & 17th Street) - Off Street	480-8000-344517	85	1,558.08	879.24		
5C - (Convention Ctr. Dr. & 17th Street) - Attended	480-8000-344517	0	110.28	588.78		
Total		85	1,668.36	1,468.02	(200.34)	-12.01%
5F - (Meridian Ave & 18th Street) - Off Street	480-8000-344519	97	483.70	479.03		
5F - (Meridian Ave & 18th Street) - Attended	480-8000-344519	0	0.00	0.00		
Total		97	483.70	479.03	(4.67)	-0.97%
5H - (19th Street & Meridian Ave) - Off Street	480-8000-344521	27	435.40	650.49	215.09	-
5M - (17th & Meridian Ave) - Off Street	480-8000-344506	27	3,474.86	3,162.62	(312.24)	-8.99%
6X - (Collins - 20th to 24th St) - On Street	480-8000-344522	236	22,240.32	18,343.34	(3,896.98)	-17.52%
6A - (22nd Street & Park) - Off Street	480-8000-344523	14	1,056.56	688.40	(368.16)	-34.85%
6B - (Collins Ave & 21st Street) - Off Street	480-8000-344524	190	17,107.00	17,198.55		
6B - (Collins Ave & 21st Street) - Attended	480-8000-344524	0	0.00	0.00		
Total		190	17,107.00	17,198.55	91.55	0.54%
7X - (Ocean - Biscayne - 15th St) - On Street	480-8000-344525	442	58,300.61	58,814.77	514.16	0.88%
7A - (Collins Ave, 4th to 15th St) - On Street	480-8000-344526	591	106,920.19	118,890.07	11,969.88	11.20%
7C - (Collins Ave & 6th St) - Off Street	480-8000-344528	14	253.29	381.73		
7C - (Collins Ave & 6th St) - Attended	480-8000-344528	0	0.00	0.00		
Total		14	253.29	381.73	128.44	50.71%
8X - (Pinetree-Alton - 40th to 42nd St) - On Street	480-8000-344530	386	20,285.95	13,626.75	(6,659.20)	-32.83%
8A - (42nd Street Garage) - Off Street Meters	480-8000-344531	11	173.86	226.05	52.19	30.02%
8B - (42nd Street & Royal Palm) - Off Street	480-8000-344532	173	5,582.10	2,940.89		
8B - (42nd Street & Royal Palm) - Attended	480-8000-344532	0	0.00	0.00		
Total		173	5,582.10	2,940.89	(2,641.21)	-47.32%
8C - (40/41 Street & Chase) - Off Street	480-8000-344533	88	1,704.91	1,691.56	(13.35)	-0.78%
8D - (47th Street & Pinetree) - Off Street	480-8000-344534	16	150.94	150.42	(0.52)	-0.34%
8E - (41st Street & Alton) - Off Street	480-8000-344535	40	1,703.71	1,202.20	(501.51)	-29.44%
8F - (41st Street & Jefferson) - Off Street	480-8000-344536	30	536.24	332.52	(203.72)	-37.99%
9X - (Collins - 64th to 79th St) - On Street	480-8000-344537	527	25,036.35	22,289.97	(2,746.38)	-10.97%
9A - (Harding & 71st St) - Off Street	480-8000-344538	48	0.00	1,000.77	1,000.77	#DIV/0!
9B - (72nd St. & Collins) - Off Street	480-8000-344539	0	2,255.53	6,343.16		
9B - (72nd St. & Collins) - Attended	480-8000-344539	0	0.00	0.00		
Total		0	2,255.53	6,343.16	4,087.63	181.23%
9C (Carlyle & 71st St) - Off Street	480-8000-344540	14	0.00	72.17	72.17	#DIV/0!

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
December 2005**

LOCATION	ACCOUNTING CODE	2005 December # of Spaces	2004 December	2005 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)
9D - (Collins & 76th St) - Off Street	480-8000-344541	33	616.60	1,360.74	744.14	120.68%
9E - (71st St. & Harding) - Off Street	480-8000-344542	31	132.32	188.79	56.47	42.68%
9F - (75th & Collins) - Off Street	480-8000-344543	106	1,417.28	1,818.05	400.77	28.28%
10A - (Lincoln Lane & Lenox) - Off Street	480-8000-344544	70	15,162.52	16,581.18	1,418.66	9.36%
10B - (Lincoln Lane & Michigan) - Lease	480-8000-344545	0	14,583.33	14,583.33		
10B - (Lincoln Lane & Michigan) - Attended	480-8000-344545	0	0.00	0.00		
Total		0	14,583.33	14,583.33	0.00	0.00%
10C - (Lincoln Lane & Meridian) - Off Street	480-8000-344546	141	35,852.36	35,696.99	(155.37)	-0.43%
10D - (Lincoln Lane & Jefferson - W) - Off Street	480-8000-344547	62	10,332.38	7,887.43	(2,444.95)	-23.66%
10E - (Lincoln Lane & Jefferson - E) - Off Street	480-8000-344548	19	3,258.13	8,554.41	5,296.28	162.56%
10F - (Lincoln Lane & Euclid) - Off Street	480-8000-344549	36	6,298.69	8,293.56	1,994.87	31.67%
10G - (Lincoln Lane & Michigan) - Off Street	480-8000-344550	21	2,732.04	3,104.40	372.36	13.63%
11X - (Collins & 11th Street) - Off Street	480-8000-344551	0	0.00	0.00		
11X - (Collins & 11th Street) - Attended	480-8000-344551	0	0.00	0.00		
Total		0	0.00	0.00	0.00	-
12X - (Washington & 9th Street) - Off Street	480-8000-344552	23	2,834.10	2,775.48		
12X - (Washington & 9th Street) - Attended	480-8000-344552	0	0.00	0.00		
Total		23	2,834.10	2,775.48	(58.62)	-2.07%
13X - (Washington & 10th Street) - Off Street	480-8000-344553	33	4,007.31	4,696.30		
13X - (Washington & 10th Street) - Attended	480-8000-344553	0	0.00	0.00		
Total		33	4,007.31	4,696.30	688.99	17.19%
15X - (16th to 18th East of Collins) - On Street	480-8000-344556	43	12,907.31	9,500.91	(3,406.40)	-26.39%
15A - (Washington, 17th to 20th) - On Street	480-8000-344557	91	7,334.77	10,697.72	3,362.95	45.85%
15B - (Convention Center Drive) - On Street	480-8000-344558	46	2,658.47	2,336.43	(322.04)	-12.11%
16X - (25th to 32nd, E of Collins) - On Street	480-8000-344559	78	5,480.17	3,964.67	(1,515.50)	-27.65%
16A - (35th to 43rd, E of Collins) - On Street	480-8000-344560	117	7,468.89	3,425.18	(4,043.71)	-54.14%
16B - (Indian Crk Dr, 27th to 32nd) - On Street	480-8000-344561	219	4,140.43	4,163.84	23.41	0.57%
16C - (Indian Crk - 33rd to 43rd) - On Street	480-8000-344562	230	10,312.35	8,380.97	(1,931.38)	-18.73%
16D - (Collins Ave & 34th St) - Off Street	480-8000-344563	64	739.30	984.75		
16D - (Collins Ave & 34th St) - Attended	480-8000-344563	0	0.00	0.00		
Total		64	739.30	984.75	245.45	33.20%
16E - (Collins Ave & 35th St) - Off Street	480-8000-344564	72	1,259.12	2,284.18		
16E - (Collins Ave & 35th St) - Attended	480-8000-344564	0	0.00	0.00		
Total		72	1,259.12	2,284.18	1,025.06	81.41%
17X - (Collins & 13th Street) - Off Street	480-8000-344565	54	7,254.41	5,270.19		
17X - (Collins & 13th Street) - Attended	480-8000-344565	0	7,192.52	10,856.07		
Total		54	14,446.93	16,126.26	1,679.33	11.62%
18X - (Indian Crk & 65th St) - Off Street	480-8000-344567	53	289.87	120.77	(169.10)	-58.34%
18A - (Collins & 64th St) - Off Street	480-8000-344568	67	2,021.03	1,908.00		
18A - (Collins & 64th St) - Attended	480-8000-344568	0	0.00	0.00		
Total		67	2,021.03	1,908.00	(113.03)	-5.59%
19X - (Collins & 46th Street) - Off Street	480-8000-344569	449	18,729.35	21,580.73		
19X - (Collins & 46th Street) - Attended	480-8000-344569	0	1,672.90	0.00		
Total		449	20,402.25	21,580.73	1,178.48	5.78%
19A - (Collins & 46th Street) - On Street	480-8000-344570	19	1,317.75	452.16	(865.59)	-65.69%

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
ELECTRONIC METER REVENUE COMPARISON
December 2005**

LOCATION	ACCOUNTING CODE	2005 December # of Spaces	2004 December	2005 December	Increase/ (Decrease)	Percent of Increase/ (Decrease)
19B - (Collins & 53rd Street) - Off Street	480-8000-344571	158	2,068.20	1,078.86		
19B - (Collins & 53rd Street) - Attended	480-8000-344571	0	0.00	0.00		
Total		158	2,068.20	1,078.86	(989.34)	-47.84%
20X - (Collins Ave & 27th St) - Off Street	480-8000-344572	121	3,147.27	2,058.47		
20X - (Collins Ave & 27th St) - Attended	480-8000-344572	0	0.00	0.00		
Total		121	3,147.27	2,058.47	(1,088.80)	-34.60%
22X - (Carlyle & 72nd St) - Off Street	480-8000-344574	45	201.02	445.17	244.15	-
23X - (83rd & Abbott) - Off Street	480-8000-344575	25	34.65	34.08	(0.57)	-1.65%
24X - (Normandy Isle & Bay Dr) - On Street	480-8000-344576	102	3,864.79	5,547.91	1,683.12	43.55%
24A - (Normandy Isle & Bay Dr) - Off Street	480-8000-344577	26	213.35	430.90	217.55	101.97%
24B - (Normandy Isle & Vendome) - Off Street	480-8000-344578	22	462.36	0.00	(462.36)	-100.00%
24C - (Normandy Isle & Bay Rd S/S) - Off Street	480-8000-344579	33	646.79	875.66	228.87	35.39%
25X - (Bonita Drive & 71st St) - Off Street	480-8000-344580	15	213.60	403.84	190.24	89.06%
26X - (Collins, 79th to 87th Terr) - On Street	480-8000-344581	283	2,418.44	1,406.23	(1,012.21)	-41.85%
26Z - (Collins & 87th Street) - Off Street	480-8000-344616	15	232.89	129.41	(103.48)	-
10X - (Lincoln Lane & Lenox) - Off Street	480-8000-344582	99	14,733.40	21,823.09		
10X - (Lincoln Lane & Lenox) - Attended	480-8000-344582	0	0.00	0.00		
Total		99	14,733.40	21,823.09	7,089.69	48.12%
26A - (Collins & 80th Street) - Off Street	480-8000-344584	62	373.83	314.39	(59.44)	-15.90%
26B - (Collins & 84th Street) - Off Street	480-8000-344585	62	186.11	345.40	159.29	85.59%
4E (Purdy & 18th Street) - Off Street	480-8000-344586	39	3,900.33	3,837.18		
4E (Purdy & 18th Street) - Attended	480-8000-344586	0	2,501.87	869.16		
Total		39	6,402.20	4,706.34	(1,695.86)	-26.49%
8G - (40th Street & Royal Palm) - Off Street	480-8000-344592	43	2,055.85	1,906.69	(149.16)	-7.26%
8H - (40th Street & Prairie) - Off Street	480-8000-344594	71	2,498.56	2,411.57	(86.99)	-3.48%
26C - (Collins & 79th Street) - Off Street	480-8000-344600	34	75.51	136.84	61.33	81.22%
26D - (Collins & 83rd Street) - Off Street	480-8000-344601	95	39.51	196.23	156.72	396.66%
SLSP00 - (South Point Lot) - Off Street	480-8000-344602	215	6,128.05	5,796.90		
SLSP00 - (South Point Lot) - Attended	480-8000-344602	0	2,124.30	3,156.06		
Total		215	8,252.35	8,952.96	700.61	8.49%
4th & Alton Lot - Off Street	480-8000-344604	21	2,023.58	1,379.22	(644.36)	-31.84%
4A - 1833 Bay Road - Off Street	480-8000-344608	0	0.00	0.00	0.00	-
7D - 10-11th & Collins (Lease)	480-8000-344529	0	3,500.00	3,500.00	0.00	0.00%
10H - (Lincoln Rd. So. & Lenox) - Off Street	480-8000-344611	0	0.00	0.00	0.00	-
14A - 16th Street & Washington (Lease)	480-8000-344555	0	14,583.33	14,583.33	0.00	0.00%
P50 - (24th Street & Flamingo Drive) - Off Street	480-8000-344619	23	0.00	83.73	83.73	-
P51 - (23rd Street & Liberty Avenue East) - Off Street	480-8000-344620	20	0.00	1,335.95		
P51 - (23rd Street & Liberty Avenue East) - Attended	480-8000-344620	0	2,607.48	0.00		
Total			2,607.48	1,335.95	(1,271.53)	
P52 - (23rd Street & Liberty Avenue West) - Off Street	480-8000-344620	35	0.00	1,031.31		
P52 - (23rd Street & Liberty Avenue West) - Attended	480-8000-344620	0	0.00	0.00		
Total			0.00	1,031.31	1,031.31	-
P85 - (71st Street & Byron) - Off Street	480-8000-344618	0	5,627.09	452.80		
P85 - (71st Street & Byron) - Attended	480-8000-344618	0	771.96	0.00		
Total		0	6,399.05	452.80	(5,946.25)	-
TOTAL		8,525	\$725,840.78	\$709,579.72	(\$16,261.06)	-2.24%

NOTE: ZONES WITH MULTI-SPACE PAYSTATIONS ARE ITALICIZED.

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**CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE
December 2005**

VENDOR	# of CARDS	# of CARDS	MACHINE	REFUNDS	TOTAL
	\$25	with 10% Discount \$22.50	SALES \$ Amount	\$ Amount	
BAY SUPERMARKET	0	0			\$0.00
BEACH BANK	0	0			\$0.00
BRIGHAM GARDENS	0	0			\$0.00
CHAMBER OF COMMERCE	0	0			\$0.00
CLEAN MACHINE	0	0			\$0.00
COMPASS MARKET	0	0			\$0.00
D'VINE CYBER LOUNGE	0	0			\$0.00
FINANCE DEPARTMENT	31	39			\$1,652.50
KOSHER WORLD	0	0			\$0.00
LEE ANN DRUGS	0	0			\$0.00
NEWS CAFE	0	0			\$0.00
PARKING DEPT. - Customer Service	236	62			\$7,295.00
PARKING DEPT. - Garages	0	0			\$0.00
PUBLIX SUPERMARKET	0	1,070			\$24,075.00
SHEMTOV'S	0	0			\$0.00
SUNSET CAFÉ	0	0			\$0.00
PARKING MACHINE - Cash	0	0	\$1,700.00		\$1,700.00
PARKING MACHINE - Credit Cards	0	0	\$217.50		\$217.50
WOLFSONIAN	0	0			\$0.00
ZELICK'S TOBACCO	0	0			\$0.00
TOTAL # OF CARDS	267	1,171			1,438
TOTAL \$ AMOUNT	\$6,675.00	\$26,347.50	\$1,917.50	\$0.00	\$34,940.00

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
DEBIT CARD REVENUE-YEAR TO DATE
December 2005**

VENDOR	# of CARDS	# of CARDS	MACHINE	REFUNDS	TOTAL
	\$25	with 10% Discount \$22.50	SALES \$ Amount	\$ Amount	
BAY SUPERMARKET	1	0			\$25.00
BEACH BANK	0	0			\$0.00
BRIGHAM GARDENS	0	0			\$0.00
CHAMBER OF COMMERCE	0	30			\$675.00
CLEAN MACHINE	0	0			\$0.00
COMPASS MARKET	0	0			\$0.00
D'VINE CYBER LOUNGE	0	0			\$0.00
FINANCE DEPARTMENT	121	89			\$5,027.50
KOSHER WORLD	0	0			\$0.00
LEE ANN DRUGS	0	50			\$1,125.00
NEWS CAFE	0	0			\$0.00
PARKING DEPT. - Customer Service	502	392			\$21,370.00
PARKING DEPT. - Garages	0	0			\$0.00
PUBLIX SUPERMARKET	0	5,010			\$112,725.00
SHEMTOV'S	0	0			\$0.00
SUNSET CAFÉ	0	0			\$0.00
PARKING MACHINE - Cash		0	\$4,380.00		\$4,380.00
PARKING MACHINE - Credit Cards		0	\$3,007.50		\$3,007.50
WOLFSONIAN	0	0			\$0.00
ZELICK'S TOBACCO	0	0			\$0.00
TOTAL # OF CARDS	624	5,571			6,195
TOTAL \$ AMOUNT	\$15,600.00	\$125,347.50	\$7,387.50	\$0.00	\$148,335.00

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Garage - 2G

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2006 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2005/2006 TOTAL
17th Street Garage - 2G														
Revenue-Ticket	480-8000-344583	130,214.87	179,247.67	178,198.14										
Revenue - Space Rental	480-8000-344583	7,800.00	7,800.00	7,800.00										
Revenue-Monthly Permits	480-8000-344514	62,700.00	62,340.00	62,880.00										
17th St. - 2G REVENUE (Sales Tax Excluded)		200,714.87	249,387.67	248,878.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Expenses														
Security Personnel		14,788.93	15,222.85	18,906.79										
Attendant/Cashier Labor		44,711.75	69,906.72	58,162.61										
FP&L		6,460.59	7,164.47	7,169.17										
Revenue Control Equipment Maintenance		3,736.81	1,891.66	5,348.65										
Armed Guard Revenue Pickup		433.00	433.00	433.00										
Elevator Maintenance		425.00	425.00	425.00										
Landscape and Lot Maintenance		108.33	108.33	108.33										
Garage Cleaning/Maintenance		10,820.00	10,820.00	10,820.00										
17th St. - 2G EXPENSES		81,484.41	106,004.03	101,373.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
17th St. PROFIT/(LOSS)		119,230.46	143,383.64	147,504.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
17th Street Garage - 2G														
Revenue-Ticket	480-8000-344583	147,297.18	172,645.81	160,111.23	180,929.02	213,845.81	180,743.49	161,564.57	149,141.13	119,202.78	131,541.92	97,410.29	127,399.08	1,840,732.31
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	55,980.00	57,120.00	56,460.00	56,160.00	57,720.00	59,040.00	60,790.00	61,920.00	63,000.00	61,020.00	63,180.00	63,420.00	715,800.00
17th St. - 2G REVENUE (Sales Tax Excluded)		209,577.18	236,065.81	222,871.23	243,289.02	277,865.81	246,083.49	228,644.57	216,361.13	188,502.78	198,861.92	166,890.29	197,119.08	2,632,132.31
Expenses														
Security Personnel		21,092.12	15,849.77	15,852.84	19,941.82	15,941.80	15,727.08	18,236.29	20,387.91	21,022.22	22,012.84	17,156.01	12,134.59	215,355.29
Attendant/Cashier Labor		41,006.44	51,214.30	44,920.57	80,486.29	85,524.18	56,522.20	73,433.44	60,528.58	60,155.94	49,383.58	59,430.67	66,455.65	731,063.84
FP&L		6,473.39	5,949.62	6,369.53	6,892.30	6,892.30	4,850.13	5,921.79	6,011.85	7,618.41	6,579.41	6,220.59	6,273.08	76,062.40
Revenue Control Equipment Maintenance		1,666.67	4,551.67	2,101.67	1,666.67	1,666.67	1,666.67	1,666.67	3,999.99	3,999.99	2,133.33	1,891.68	4,465.11	31,476.77
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	433.00	433.00	433.00	5,079.00
Elevator Maintenance		483.60	425.00	425.00	425.00	425.00	425.00	425.00	425.00	425.00	833.00	687.06	2,228.92	7,632.58
Landscape and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	919.33	333.33	108.33	2,335.96
Garage Cleaning/Maintenance		10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	10,820.00	129,840.00
17th St. - 2G EXPENSES		82,070.55	89,338.69	81,017.94	120,762.41	121,798.28	92,538.41	111,031.62	102,701.66	104,569.89	93,114.49	95,972.32	102,918.68	1,198,635.84
17th St. PROFIT/(LOSS)		127,506.63	146,727.12	141,853.29	122,526.61	156,067.53	153,544.08	117,613.05	113,659.47	83,932.89	105,747.43	69,917.97	94,200.40	1,433,296.47

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Garage - 2G**

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
17th Street Garage - 2G														
Revenue-Ticket	480-8000-344583	126,299.54	162,005.37	140,671.96	158,906.54	210,057.03	154,691.53	127,139.34	153,750.35	114,394.40	108,808.42	106,967.29	75,012.15	1,638,703.92
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	53,760.00	56,760.00	54,960.00	54,000.00	53,760.00	57,360.00	57,760.00	57,660.00	57,760.00	58,020.00	57,060.00	57,900.00	676,800.00
17th St. - 2G REVENUE (Sales Tax Excluded)		186,359.54	225,065.37	201,931.96	219,206.54	270,117.03	218,351.53	191,219.34	217,710.35	178,474.40	173,128.42	170,327.29	139,212.15	2,391,103.92
Expenses														
Security Personnel		15,896.40	16,574.30	16,802.34	15,494.05	17,601.32	16,653.45	15,804.17	19,951.32	15,922.37	16,095.17	19,972.49	14,711.73	201,479.11
Attendant/Cashier Labor		41,511.91	48,342.11	40,772.36	36,234.53	52,732.42	40,835.62	45,314.47	48,946.34	44,961.49	37,865.26	48,178.56	43,040.60	526,765.67
FP&L		6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.68
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	2,516.67	9,060.96	1,936.67	28,613.93
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Elevator Maintenance		738.00	613.00	613.00	800.50	613.00	613.00	425.00	425.00	30,453.50	425.00	425.00	425.00	36,569.00
Landscaping and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	312.33	108.33	108.33	108.33	108.33	1,503.96
Garage Cleaning/Maintenance		5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,331.08	5,421.08	5,696.08	5,595.08	5,331.08	10,820.00	70,180.88
17th St. - 2G EXPENSES		72,145.78	79,528.88	72,187.17	66,628.55	84,946.21	72,101.54	75,543.11	81,616.13	105,731.83	69,498.90	89,969.41	77,935.72	947,733.23
17th St. PROFIT/(LOSS)		114,213.76	145,536.49	129,744.79	152,677.99	185,170.82	146,248.99	115,676.23	136,094.22	72,742.57	103,629.52	80,357.88	61,276.43	1,443,370.69

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
17th St. Garage - 2G														
Revenue-Ticket	480-8000-344583	105,641.20	159,877.65	136,338.53	153,112.01	199,421.53	147,306.63	99,839.26	135,459.72	92,178.14	102,296.41	106,516.89	91,325.39	1,529,314.36
Revenue - Space Rental	480-8000-344583	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	6,300.00	75,600.00
Revenue-Monthly Permits	480-8000-344514	60,000.00	61,560.00	59,820.00	56,760.00	57,960.00	58,740.00	58,680.00	53,480.00	54,300.00	55,920.00	53,160.00	53,220.00	683,580.00
17th St. - 2G REVENUE (Sales Tax Excluded)		171,941.20	227,737.65	202,459.53	216,172.01	263,681.53	212,346.63	164,819.26	195,219.72	152,778.14	164,516.41	165,976.89	150,845.39	2,288,494.36
Expenses														
Security Personnel		16,661.95	16,616.47	16,549.18	20,680.62	17,432.22	16,471.66	20,612.78	16,448.34	20,600.10	18,480.25	20,599.69	16,233.82	215,286.88
Attendant/Cashier Labor		33,192.78	56,286.32	36,137.49	39,265.13	48,329.64	37,381.35	32,521.25	34,321.57	59,870.88	35,808.78	34,812.81	42,009.65	489,938.65
FP&L		5,352.35	5,507.51	6,007.59	5,672.16	9,827.33	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	6,473.39	77,680.67
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,851.67	1,666.67	20,379.04
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Elevator Maintenance		613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	613.00	6,376.75	13,119.75
Landscaping and Lot Maintenance		108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	108.33	1,299.96
Garage Cleaning/Maintenance		3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	3,292.00	5,331.08	5,331.08	5,578.98	5,331.08	5,331.08	5,331.08	51,985.98
17th St. - 2G EXPENSES		61,304.26	84,607.48	64,891.44	71,815.09	81,786.37	66,523.58	67,843.68	65,673.56	95,428.13	66,937.50	70,314.97	78,619.49	875,745.55
17th St. PROFIT/(LOSS)		110,636.94	143,130.17	137,568.09	144,356.92	181,895.16	145,823.05	96,975.58	129,546.16	57,350.01	97,578.91	95,661.92	72,225.90	1,412,748.81

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2006 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2005/2006 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	112,167.52	132,568.21	134,431.00										379,166.73
Revenue-Monthly Permits	142-8000-344404	16,425.00	16,125.00	16,125.00										48,675.00
	7th Street Garage - 1G REVENUE	128,592.52	148,693.21	150,556.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	427,841.73
	(Sales Tax Excluded)													
Expenses														
Security														
Attendant/Cashier Labor		19,639.79	20,444.76	25,092.86										65,177.41
Landscape Maintenance		20,047.31	23,464.08	23,464.08										67,010.73
FP&L		1,204.67	1,080.67	1,063.67										3,349.01
Revenue Control Equipment Maintenance		3,233.98	2,604.78	2,893.17										8,731.93
Garage Cleaning/Maintenance		775.00	775.00	775.00										2,325.00
Armed Guard Revenue Pickup		9,242.00	9,242.00	9,242.00										27,726.00
Elevator Maintenance		433.00	433.00	433.00										1,299.00
Surveillance System Maintenance		2,045.17	1,065.17	1,065.17										4,175.51
		611.41	611.41	611.41										1,834.23
	7th St. Garage - 1G EXPENSES	57,232.33	59,720.87	64,675.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	181,628.82
	7th St. - 1G Estimated Debt Service	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
	7th St. - 1G PROFIT/(LOSS)	11,860.19	29,472.34	26,380.38	-59,500.00	(59,500.00)	-59,500.00	-59,500.00	-59,500.00	-59,500.00	-59,500.00	-59,500.00	(59,500.00)	-467,787.09

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	155,800.01	128,321.49	128,085.97	152,852.34	147,168.61	217,609.34	189,803.73	167,243.46	130,258.87	194,785.25	160,609.33	135,156.09	1,905,694.49
Revenue-Monthly Permits	142-8000-344404	13,650.00	13,800.00	13,800.00	13,800.00	16,425.00	15,675.00	15,675.00	15,900.00	15,958.50	16,050.00	16,050.00	16,050.00	182,833.50
	7th Street Garage - 1G REVENUE	169,450.01	142,121.49	139,885.97	166,652.34	163,593.61	233,284.34	205,478.73	183,143.46	146,217.37	210,835.25	176,659.33	151,206.09	2,088,527.99
	(Sales Tax Excluded)													
Expenses														
Security														
Attendant/Cashier Labor		27,049.21	21,202.56	20,947.96	28,251.69	21,135.07	21,113.61	23,472.50	21,381.41	21,746.50	26,274.22	22,345.01	19,475.19	274,394.93
Landscape Maintenance		17,782.75	17,406.81	17,511.32	27,564.05	23,751.16	24,658.06	29,921.42	24,134.11	23,796.14	23,843.16	28,979.82	28,791.90	288,140.70
FP&L		1,605.67	918.67	2,417.67	1,546.42	1,178.67	918.67	918.67	918.67	918.67	1,036.67	1,587.87	918.67	28,864.79
Revenue Control Equipment Maintenance		3,067.37	3,067.37	2,452.54	2,705.36	2,328.41	2,888.87	2,739.59	2,732.53	3,216.31	3,053.15	2,873.21	2,879.55	33,804.25
Garage Cleaning/Maintenance		860.15	700.00	700.00	700.00	700.00	700.00	700.00	3,516.66	3,516.66	1,650.00	775.00	3,453.35	17,971.82
Armed Guard Revenue Pickup		9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	110,904.00
Elevator Maintenance		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,079.00
Surveillance System Maintenance		1,065.17	1,065.17	1,065.17	1,410.17	1,065.17	1,065.17	1,065.17	1,065.17	1,065.17	1,065.17	1,065.17	2,162.97	14,224.84
		611.41	611.41	611.41	611.41	950.41	611.41	611.41	611.41	611.41	611.41	611.41	611.41	7,675.92
	7th St. Garage - 1G EXPENSES	61,703.73	54,833.99	55,368.07	72,451.09	60,770.89	61,417.79	69,090.76	64,021.96	64,532.86	67,208.78	81,912.29	87,968.04	781,080.25
	7th St. - 1G Estimated Debt Service	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
	7th St. - 1G PROFIT/(LOSS)	48,246.28	27,987.50	25,017.90	34,701.25	43,322.72	112,366.55	76,887.97	59,621.50	22,184.51	84,126.47	35,247.04	23,738.05	593,447.74

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
7th Street Garage - 1G

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	139,529.58	139,842.06	130,241.12	167,042.06	164,871.96	219,217.76	169,714.95	173,072.90	138,058.07	172,876.64	157,222.43	82,198.12	1,853,887.63
Revenue-Monthly Permits	142-8000-344404	13,050.00	13,237.50	13,462.50	13,500.00	13,800.00	13,725.00	13,725.00	13,350.00	13,725.00	13,800.00	13,800.00	13,800.00	162,975.00
7th Street Garage - 1G REVENUE (Sales Tax Excluded)		152,579.58	153,079.56	143,703.62	180,542.06	178,671.96	232,942.76	183,439.95	186,422.90	151,783.07	186,676.64	171,022.43	95,988.12	2,016,862.63
Expenses														
Security														
Attendant/Cashier Labor		21,049.40	21,816.06	24,181.09	21,727.10	20,960.22	23,119.75	21,349.80	28,211.80	21,233.24	22,052.26	26,852.89	17,055.31	269,608.92
Landscape Maintenance		17,797.52	17,688.48	17,422.60	17,959.47	17,642.05	18,282.80	17,863.50	17,748.27	17,815.82	17,998.44	22,276.54	19,087.97	219,573.46
FP&L		918.67	1,114.00	918.67	918.67	848.00	918.67	918.67	918.67	918.67	14,404.67	918.67	16,581.67	40,297.70
Revenue Control Equipment Maintenance		3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,808.44
Garage Cleaning/Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	1,200.00	8,900.00
Armed Guard Revenue Pickup		4,864.00	4,689.00	4,765.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	4,200.00	62,729.50
Elevator Maintenance		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Surveillance System Maintenance		1,729.00	1,202.00	2,271.50	985.00	1,460.42	985.00	1,202.00	2,817.42	2,592.67	2,360.17	2,360.17	2,050.17	22,015.52
7th St. Garage - 1G EXPENSES		51,080.56	51,221.51	54,490.63	51,176.21	50,496.66	52,892.19	50,919.94	59,282.13	54,068.95	66,649.01	61,994.24	69,249.09	673,521.32
7th St. - 1G Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. - 1G PROFIT/(LOSS)		41,999.00	42,358.05	29,712.79	69,865.85	68,675.30	120,550.57	73,020.01	67,640.77	38,214.12	60,527.63	49,528.19	(32,750.97)	629,341.31

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
7th Street Garage - 1G														
Revenue-Ticket	142-8000-344404	136,186.19	137,501.35	140,246.61	148,182.44	153,858.76	221,547.82	161,549.46	174,847.57	133,750.47	164,101.85	178,671.59	120,362.30	1,871,006.41
Revenue-Monthly Permits	142-8000-344404	13,125.00	13,125.00	13,125.00	13,125.00	13,125.00	13,050.00	13,050.00	13,050.00	12,975.00	13,050.00	13,200.00	13,200.00	157,200.00
7th Street Garage - 1G REVENUE (Sales Tax Excluded)		149,311.19	150,626.35	153,371.61	161,307.44	166,983.76	234,597.82	174,599.46	187,897.57	146,725.47	177,151.85	192,071.59	133,562.30	2,028,206.41
Expenses														
Security														
Attendant/Cashier Labor		21,087.06	20,743.70	20,245.12	26,257.88	21,150.87	21,933.85	26,125.51	22,612.39	25,778.86	21,024.44	27,128.97	21,014.42	275,103.07
Landscape Maintenance		16,755.52	25,273.02	18,806.12	17,276.43	16,664.70	17,694.64	16,755.04	16,893.83	25,407.34	16,935.01	17,395.71	17,618.06	221,365.42
FP&L		984.00	984.00	984.00	984.00	984.00	984.00	918.67	1,067.67	918.67	10,438.67	7,363.67	918.67	27,530.02
Revenue Control Equipment Maintenance		2,667.70	2,747.44	2,709.51	2,462.61	4,749.59	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	3,067.37	36,808.44
Garage Cleaning/Maintenance		700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	700.00	8,400.00
Armed Guard Revenue Pickup		4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	4,864.00	5,111.50	4,864.00	4,864.00	4,864.00	58,615.50
Elevator Maintenance		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	455.00	525.00	420.00	6,054.62
Surveillance System Maintenance		985.00	985.00	985.00	985.00	985.00	985.00	1,180.88	1,264.84	1,396.44	1,880.88	1,980.88	1,295.00	13,948.92
7th St. Garage - 1G EXPENSES		48,997.46	57,251.34	48,247.93	54,494.10	51,052.34	51,183.04	54,623.65	51,482.28	63,932.36	60,420.37	62,795.60	52,708.12	657,178.59
7th St. - 1G Estimated Debt Service		59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	59,500.00	714,000.00
7th St. - 1G PROFIT/(LOSS)		40,813.73	33,875.01	45,623.68	47,323.34	56,431.42	123,914.78	60,475.81	76,915.29	23,293.11	57,231.48	69,775.99	21,354.18	657,027.82

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A East and West**

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2006 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2005/2006 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	120,398.09	148,679.68	165,473.30										
Revenue-Valet	480-8000-344515	0.00	0.00	0.00										
Revenue-Monthly Permits	480-8000-344596	18,960.00	18,660.00	18,540.00										
	17th Lots - 5A REVENUE	139,358.09	167,339.68	184,013.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
(Sales Tax Excluded)														
Expenses														
Security Personnel		861.84	861.84	1,077.12										
Attendant/Cashier Labor		27,063.49	36,626.94	34,058.41										
Revenue Control Equipment Maintenance		1,891.66	1,891.66	2,367.05										
Landscape and Lot Maintenance		502.67	502.67	502.67										
FP&L		391.48	391.48	391.48										
	17th Lots - 5A EXPENSES	30,711.14	40,274.59	38,396.73	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	17th Lots PROFIT/(LOSS)	108,646.95	127,065.09	145,616.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	147,540.55	134,285.03	144,999.03	157,629.02	132,532.73	164,732.73	157,110.23	156,538.30	135,651.39	154,960.57	137,957.29	132,094.40	1,756,031.
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenue-Monthly Permits	480-8000-344596	18,300.00	17,820.00	16,920.00	16,980.00	16,860.00	16,740.00	17,280.00	17,580.00	17,820.00	17,480.00	17,820.00	18,120.00	209,700.
	17th Lots - 5A REVENUE	165,840.55	152,105.03	161,919.03	174,609.02	149,392.73	181,472.73	174,390.23	174,118.30	153,471.39	172,420.57	155,777.29	150,214.40	1,965,731.
(Sales Tax Excluded)														
Expenses														
Security Personnel		1,079.76	975.47	751.54	1,116.57	868.11	880.37	766.87	861.84	861.84	1,077.30	861.84	8,001.95	18,103.
Attendant/Cashier Labor		20,954.86	23,786.82	21,613.21	39,939.99	34,545.43	32,853.50	40,220.02	31,376.04	31,915.58	27,709.22	35,303.01	39,783.53	380,003.
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	3,999.99	3,999.99	2,133.33	2,611.66	1,891.66	26,303.
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.
FP&L		391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,897.
	17th Lots - 5A EXPENSES	24,595.44	27,323.11	24,925.57	43,617.38	37,974.36	36,294.69	43,547.71	37,134.02	37,671.56	31,814.00	39,670.66	50,571.29	435,139.
	17th Lots PROFIT/(LOSS)	141,245.11	124,781.92	136,993.46	130,991.64	111,418.37	145,178.04	130,842.52	136,984.28	115,799.83	140,606.57	116,106.63	99,643.11	1,530,591.

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
17th Street Lots - 5A East and West**

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
17th Street Lots - 5A East and West														
Revenue-Ticket	480-8000-344515	123,301.93	135,390.66	142,474.77	153,204.65	157,831.80	163,559.82	141,769.18	149,018.68	120,878.55	126,481.32	123,772.91	83,556.53	1,621,240.
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.
Revenue-Monthly Permits	480-8000-344596	18,800.00	18,360.00	15,960.00	16,200.00	15,660.00	15,660.00	16,560.00	16,800.00	17,940.00	17,820.00	17,520.00	17,700.00	202,980.
17th Lots - 5A REVENUE (Sales Tax Excluded)		140,101.93	153,750.66	158,434.77	169,404.65	173,491.80	179,219.82	158,329.18	165,818.68	138,818.55	144,301.32	141,292.91	101,256.53	1,824,220.
Expenses														
Security Personnel		1,404.71	738.66	880.37	682.58	1,319.03	883.44	953.99	1,128.84	883.44	828.23	1,174.86	539.89	11,398.
Attendant/Cashier Labor		20,826.85	24,230.94	20,510.75	20,463.71	23,729.34	22,161.85	21,289.27	22,812.35	21,621.06	18,256.77	23,687.56	20,393.19	259,985.
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	3,722.78	1,666.67	22,056.
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.
FP&L		391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	391.48	4,687.
17th Lots - 5A EXPENSES		24,792.38	27,530.42	23,951.94	23,687.11	27,609.19	25,606.11	24,804.08	26,502.01	25,065.32	21,647.82	29,479.35	23,493.90	304,169.
17th Lots PROFIT/(LOSS)		115,309.55	126,220.24	134,482.83	145,717.54	145,882.61	153,613.71	133,525.10	139,316.67	113,753.23	122,653.50	111,813.56	77,762.63	1,520,051.

LOCATION	ACCOUNTING CODE	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
17th Street Lots - 5A East and West													
Revenue-Ticket	480-8000-344515	120,891.93	120,890.56	132,337.75	139,792.51	139,949.44	111,002.09	127,300.47	107,680.88	111,796.59	110,433.27	99,008.57	1,426,973.
Revenue-Valet	480-8000-344515	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.
Revenue-Monthly Permits	480-8000-344596	18,120.00	17,700.00	18,360.00	16,500.00	17,700.00	16,560.00	18,840.00	15,720.00	15,900.00	16,560.00	16,980.00	206,760.
17th Lots - 5A REVENUE (Sales Tax Excluded)		139,011.93	138,590.56	150,697.75	156,292.51	157,649.44	127,562.09	146,140.47	123,400.88	127,696.59	126,993.27	115,988.57	1,633,733.
Expenses													
Security Personnel		1,884.70	1,797.93	2,334.72	1,591.97	1,750.52	2,157.89	1,786.10	2,172.81	1,743.98	1,863.20	1,687.74	22,655.
Attendant/Cashier Labor		30,340.05	19,183.60	21,628.82	22,409.89	20,603.96	18,238.36	18,745.80	30,790.29	17,290.61	17,265.92	20,813.79	255,250.
Revenue Control Equipment Maintenance		1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	1,666.67	20,359.
Landscape and Lot Maintenance		502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	502.67	6,032.
FP&L		396.87	396.87	396.87	396.87	396.87	396.87	396.87	396.87	396.87	396.87	396.87	4,687.
17th Lots - 5A EXPENSES		34,744.49	34,744.49	34,744.49	34,744.49	34,744.49	34,744.49	34,744.49	34,744.49	34,744.49	34,744.49	34,744.49	308,985.
17th Lots PROFIT/(LOSS)		104,267.44	103,846.07	115,953.26	121,548.02	122,904.95	92,817.60	111,395.98	88,656.39	92,952.10	92,248.78	81,244.08	1,324,738.

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2006 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2006/2007 TOTAL
12th Street Garage - 2A														
Revenue-Ticket	480-8000-344504	15,912.14	17,233.65	19,846.71										52,992.50
Revenue-Monthly Permits	480-8000-344593	3,860.00	4,320.00	4,020.00										12,000.00
12th St. - 2A REVENUE (Sales Tax Excluded)		19,572.14	21,553.65	23,866.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64,992.50
Expenses														
Security Personnel		5,461.31	5,494.23	6,954.57										
Attendant/Cashier Labor		8,654.39	10,375.18	10,375.17										
FP&L		108.54	108.54	108.54										
Elevator Maintenance		1,105.00	2,575.00	125.00										
Garage Cleaning/Maintenance		1,521.00	1,521.00	1,521.00										
12th St. - 2A EXPENSES		16,850.24	20,073.95	19,084.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12th St. - 2A PROFIT/(LOSS)		2,721.90	1,479.70	4,782.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64,992.50

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
12th Street Garage - 2A														
Revenue-Ticket	480-8000-344504	30,428.16	28,304.67	28,033.65	33,959.80	30,588.77	41,540.19	38,421.76	33,882.20	30,041.58	37,902.81	34,535.82	20,742.99	388,380.40
Revenue-Monthly Permits	480-8000-344593	4,860.00	4,800.00	4,860.00	3,960.00	3,840.00	3,840.00	3,900.00	3,660.00	3,720.00	3,780.00	3,840.00	3,720.00	48,780.00
12th St. - 2A REVENUE (Sales Tax Excluded)		35,288.16	33,104.67	32,893.65	37,919.80	34,428.77	45,380.19	42,321.76	37,542.20	33,761.58	41,682.81	38,375.82	24,462.99	437,160.40
Expenses														
Security Personnel		9,368.15	7,466.96	7,428.42	9,748.51	12,688.78	7,509.24	8,199.43	7,574.02	7,469.33	9,139.10	5,622.91	8,549.58	100,772.43
Attendant/Cashier Labor		7,077.27	7,064.21	7,132.13	11,864.49	9,852.08	10,122.65	12,987.00	10,371.56	10,382.40	10,418.46	12,702.02	12,691.19	122,685.46
FP&L		108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.48
Elevator Maintenance		487.50	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,250.00	1,155.00	3,245.00	6,753.50
Garage Cleaning/Maintenance		1,521.00	1,285.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	18,016.00
12th St. - 2A EXPENSES		18,562.46	16,079.71	16,313.09	23,387.54	24,275.40	19,386.43	22,940.97	19,700.12	19,606.27	22,053.10	21,109.47	26,115.31	249,529.87
12th St. - 2A PROFIT/(LOSS)		16,723.70	17,024.96	16,580.56	14,532.26	10,153.37	25,993.76	19,380.79	17,842.08	14,155.31	19,629.71	17,266.35	-1,652.32	187,630.53

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
12th Street Garage - 2A

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
12th Street Garage - 2A	Revenue-Ticket	26,360.74	25,345.79	24,450.45	29,463.54	29,428.03	38,480.37	31,798.13	32,760.77	25,388.78	29,747.85	30,476.80	18,809.37	342,510.23
	Revenue-Monthly Permits	5,220.00	5,100.00	5,040.00	4,740.00	4,740.00	4,800.00	4,920.00	4,860.00	4,860.00	4,980.00	5,100.00	4,880.00	59,220.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	31,580.74	30,445.79	29,490.45	34,203.54	34,168.03	43,280.37	36,718.13	37,620.77	30,248.78	34,727.85	35,576.80	23,689.37	401,730.23
Expenses	Security Personnel	8,219.46	8,844.80	9,107.41	8,233.17	10,306.80	8,013.11	8,245.44	10,395.78	8,230.11	7,938.69	9,365.08	6,408.01	103,307.84
	Attendant/Cashier Labor	7,247.08	7,241.85	7,200.05	7,215.73	7,184.37	7,226.18	7,210.50	7,602.38	7,354.19	7,113.84	8,960.87	8,015.15	89,572.19
	FP&L	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.48
Garage Cleaning/Maintenance	Elevator Maintenance	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	5,462.00
	Garage Cleaning/Maintenance	1,540.75	1,532.50	1,540.75	1,540.75	1,524.25	1,540.75	1,532.50	1,532.50	1,540.75	1,590.25	1,540.75	1,521.00	18,477.50
	12th St. - 2A EXPENSES	17,240.83	17,852.69	18,081.75	17,223.19	19,248.96	17,013.58	17,221.98	19,764.18	17,358.59	16,876.32	24,062.24	16,177.70	218,122.01
12th St. - 2A PROFIT/(LOSS)		14,339.91	12,593.10	11,408.70	16,980.35	14,919.07	26,266.79	19,496.15	17,856.59	12,890.20	17,851.33	11,514.36	7,491.67	183,608.22

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
12th Street Garage - 2A	Revenue-Ticket	23,808.81	26,646.02	27,241.35	27,276.87	28,087.39	39,739.49	29,315.86	33,756.05	22,192.23	30,702.84	31,246.72	22,452.33	342,466.96
	Revenue-Monthly Permits	5,340.00	5,520.00	5,220.00	4,880.00	4,920.00	5,100.00	5,040.00	4,920.00	4,880.00	5,220.00	5,400.00	5,400.00	61,800.00
	12th St. - 2A REVENUE (Sales Tax Excluded)	29,148.81	32,166.02	32,461.35	32,136.87	33,007.39	44,839.49	34,355.86	38,676.05	27,052.23	35,922.84	36,646.72	27,852.33	404,266.96
Expenses	Security Personnel	8,245.44	8,232.15	8,235.63	10,779.20	8,168.92	8,233.17	10,236.91	8,237.08	10,302.50	8,241.55	10,299.64	8,252.59	107,464.76
	Attendant/Cashier Labor	7,064.55	10,280.84	6,892.87	7,315.74	6,912.77	7,052.06	6,810.78	6,945.10	10,775.85	7,497.33	7,173.01	7,672.92	92,363.62
	FP&L	102.79	81.67	98.93	90.60	168.69	108.54	108.54	108.54	108.54	108.54	108.54	108.54	1,302.48
Garage Cleaning/Maintenance	Elevator Maintenance	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	125.00	1,041.67
	Garage Cleaning/Maintenance	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,605.75	1,557.25	1,532.50	1,763.50	1,540.75	1,540.75	1,532.50	19,101.75
	12th St. - 2A EXPENSES	17,133.53	20,325.41	16,958.18	19,916.29	16,979.13	17,124.52	16,715.48	16,823.20	22,960.39	17,388.17	19,288.61	17,691.55	221,294.46
12th St. - 2A PROFIT/(LOSS)		12,015.28	11,840.61	15,503.17	12,220.58	16,028.26	27,714.97	15,640.38	21,852.85	4,101.84	18,534.67	17,358.11	10,160.78	182,971.50

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2006 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2005/2006 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	43,468.43	55,272.92	53,704.65										
Revenue-Monthly Permits	480-8000-344527	9,600.00	9,300.00	9,720.00										
	13th St. - 17A REVENUE	53,068.43	64,572.92	63,424.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.0
	(Sales Tax Excluded)													
Expenses														
Security Personnel		8,717.16	8,803.95	10,892.67										
Attendant/Cashier Labor		9,969.48	11,144.88	11,121.45										
Landscape Maintenance		216.67	216.67	216.67										
FP&L		1,518.75	1,481.39	1,695.81										
Revenue Control Equipment Maintenance		1,891.66	1,891.66	2,367.04										
Elevator Maintenance		170.00	170.00	170.00										
Armed Guard Revenue Pickup		433.00	433.00	433.00										
Garage Cleaning/Maintenance		1,521.00	1,521.00	1,521.00										
	13th St. - 17A EXPENSES	24,437.72	25,662.55	28,417.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.0
	13th St. -17A PROFIT/(LOSS)	28,630.71	38,910.37	35,007.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.0

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LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	40,924.28	49,370.08	49,987.85	61,116.83	59,138.34	71,978.42	65,391.58	60,814.97	54,936.46	69,607.42	62,914.05	51,280.37	697,460.6
Revenue-Monthly Permits	480-8000-344527	8,400.00	8,340.00	8,640.00	8,520.00	8,520.00	8,460.00	8,160.00	7,800.00	8,040.00	7,620.00	8,460.00	9,180.00	100,140.0
	13th St. - 17A REVENUE	49,324.28	57,710.08	58,627.85	69,636.83	67,658.34	80,438.42	73,551.58	68,614.97	62,976.46	77,227.42	71,374.05	60,460.37	797,600.6
	(Sales Tax Excluded)													
Expenses														
Security Personnel		12,276.14	9,837.48	9,843.61	12,865.09	9,914.16	9,886.55	10,960.18	9,623.90	10,024.88	12,155.54	9,498.20	9,333.62	126,219.3
Attendant/Cashier Labor		15,477.93	15,299.85	15,169.47	24,685.51	20,272.64	16,504.59	13,862.76	11,970.10	11,178.06	11,195.64	13,992.22	14,091.26	183,700.0
Landscape Maintenance		420.67	519.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	3,107.0
FP&L		1,404.98	1,372.89	1,419.60	1,694.00	1,531.15	1,627.45	1,474.46	1,362.55	1,602.03	1,607.35	1,495.92	1,580.15	18,172.5
Revenue Control Equipment Maintenance		750.00	750.00	750.00	750.00	750.00	750.00	750.00	3,516.66	3,516.66	1,650.00	1,891.66	1,891.66	17,716.6
Elevator Maintenance		680.13	170.00	170.00	170.00	170.00	170.00	374.00	170.00	170.00	170.00	1,655.00	170.00	4,239.1
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	433.00	433.00	5,079.0
Garage Cleaning/Maintenance		1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	1,521.00	18,252.0
	13th St. - 17A EXPENSES	32,950.85	29,890.89	29,510.35	42,322.27	34,795.62	31,096.26	29,579.07	28,800.88	28,649.30	28,949.20	30,703.67	29,237.36	376,485.7
	13th St. -17A PROFIT/(LOSS)	16,373.43	27,819.19	29,117.50	27,314.56	32,862.72	49,342.16	43,972.51	39,814.09	34,327.16	48,278.22	40,670.38	31,223.01	421,114.9

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
13th Street Garage - 17A

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	48,388.34	47,130.86	40,100.44	50,649.52	53,792.55	66,648.56	57,641.13	54,078.51	46,663.54	54,472.86	31,909.35	14,673.84	566,149.5
Revenue-Monthly Permits	480-8000-344527	7,740.00	7,680.00	8,520.00	8,100.00	8,590.00	8,280.00	7,500.00	8,460.00	9,120.00	9,120.00	8,340.00	8,400.00	99,840.0
	13th St. - 17A REVENUE	56,128.34	54,810.86	48,620.44	58,749.52	62,372.55	74,928.56	65,141.13	62,538.51	55,783.54	63,592.86	40,249.35	23,073.84	665,989.5
(Sales Tax Excluded)														
Expenses														
Security Personnel		9,865.08	10,533.80	10,736.25	8,648.94	9,770.00	9,855.68	9,779.19	12,638.10	9,865.08	9,993.91	12,346.69	8,122.74	122,155.4
Attendant/Cashier Labor		15,303.89	15,397.71	15,269.80	15,170.25	15,470.86	15,515.07	15,327.27	15,273.85	15,144.77	15,186.57	18,836.90	16,921.34	188,819.2
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	935.67	216.67	3,319.0
FP&L		1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.7
Revenue Control Equipment Maintenance		0.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	750.00	8,250.0
Elevator Maintenance		737.00	312.00	312.00	312.00	312.00	312.00	312.00	467.18	170.00	279.60	170.00	170.00	3,723.7
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.0
Garage Cleaning/Maintenance		1,450.00	1,450.00	1,483.00	1,450.00	1,450.00	1,483.00	1,318.00	1,318.00	1,483.00	1,318.00	1,450.00	1,521.00	17,174.0
	13th St. - 17A EXPENSES	29,397.62	30,485.16	30,592.70	28,372.84	29,794.51	29,958.40	29,386.11	32,488.78	29,454.50	29,569.73	36,314.24	29,526.73	365,341.3
	13th St. -17A PROFIT/(LOSS)	26,730.72	24,325.70	18,027.74	30,376.68	32,578.04	44,970.16	35,755.02	30,049.73	26,329.04	34,023.13	3,935.11	(6,452.89)	300,648.1

LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
13th Street Garage - 17A														
Revenue-Ticket	480-8000-344566	44,400.00	45,402.69	45,391.52	51,063.89	53,442.14	67,925.37	52,972.45	49,368.78	43,317.00	47,741.10	52,219.62	35,794.83	593,059.3
Revenue-Monthly Permits	480-8000-344527	8,280.00	8,640.00	8,100.00	7,320.00	7,380.00	7,620.00	7,860.00	8,520.00	8,560.00	8,280.00	7,800.00	7,800.00	96,180.0
	13th St. - 17A REVENUE	52,680.00	54,042.69	53,491.52	58,383.89	60,822.14	75,545.37	60,832.45	57,908.78	51,897.00	56,021.10	60,019.62	47,594.83	689,239.3
(Sales Tax Excluded)														
Expenses														
Security Personnel		10,242.93	10,602.13	10,541.72	13,658.91	10,514.70	10,220.71	12,820.10	10,737.48	12,861.21	10,423.37	13,306.82	10,177.97	136,108.0
Attendant/Cashier Labor		14,601.28	21,909.69	14,624.04	15,326.91	14,675.83	14,744.77	14,596.18	14,460.50	21,779.99	14,556.50	14,996.27	15,186.54	191,459.5
Landscape Maintenance		216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	216.67	2,600.0
FP&L		1,150.96	1,172.72	1,276.13	1,245.87	2,179.24	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	1,404.98	16,859.7
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	239.00	0.00	30.00	0.00	0.00	269.0
Elevator Maintenance		304.00	304.00	304.00	304.00	304.00	304.00	0.00	0.00	0.00	312.00	624.00	3,139.50	5,699.5
Armed Guard Revenue Pickup		517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	517.18	465.00	525.00	420.00	6,054.6
Garage Cleaning/Maintenance		1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,483.00	1,450.00	1,598.50	1,450.00	1,450.00	1,483.00	17,812.5
	13th St. - 17A EXPENSES	28,516.02	36,205.39	28,962.74	32,752.54	29,890.62	28,691.31	31,040.11	29,025.81	38,378.53	28,848.52	32,523.74	32,027.66	377,062.9
	13th St. -17A PROFIT/(LOSS)	24,163.98	17,837.30	24,528.78	25,631.35	30,931.52	46,654.06	29,792.34	28,882.97	13,518.47	27,172.58	27,495.88	15,567.17	312,176.4

**CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
16th Street - Anchor Garage**

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2005 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2006/2006 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	62,084.76	107,397.19	105,778.72										275,260.67
Revenue - Valet	463-8000-344587	15,662.60	24,927.56	28,053.73										68,643.89
Revenue-Monthly Permits	463-8000-344903	38,492.00	35,700.00	98,139.71										110,331.71
16th St. Anchor - REVENUE		116,239.36	168,024.75	169,972.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	454,236.27
(Sales Tax Excluded)														
Expenses														
Security Personnel		7,074.27	7,538.12	9,381.49										23,993.88
Attendant/Cashier Labor		18,369.78	21,883.48	21,770.94										62,026.20
FP&L		3,322.03	3,980.87	5,229.08										12,531.98
Revenue Control Equipment Maintenance		775.00	775.00	1,182.48										2,732.48
Armed Guard Revenue Pickup		433.00	433.00	433.00										1,299.00
Elevator Maintenance		1,180.64	1,180.64	1,180.64										3,541.92
Landscape and Lot Maintenance		152.00	152.00	152.00										456.00
Garage Cleaning/Maintenance		9,242.00	9,242.00	9,242.00										27,726.00
Sanitation (Waste Removal)		179.01	179.01	179.01										537.03
Fire Alarm Service		250.00	250.00	250.00										750.00
16th St. - Anchor EXPENSES		40,977.73	45,616.12	49,000.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	135,594.49
16th St. PROFIT/(LOSS)		75,261.63	122,408.63	120,971.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	318,641.78

LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	88,600.95	82,514.96	86,304.68	112,249.71	122,302.81	184,856.92	119,298.55	106,561.67	71,170.03	106,953.01	91,550.46	79,627.30	1,251,991.05
Revenue - Valet	463-8000-344587	20,704.68	21,288.74	22,289.72	15,603.28	29,600.94	14,369.16	21,817.28	25,678.51	19,607.94	34,423.36	36,415.88	27,615.87	289,416.36
Revenue-Monthly Permits	463-8000-344903	28,760.00	30,060.00	30,450.00	30,650.00	30,800.00	30,200.00	30,150.00	30,200.00	30,100.00	30,100.00	32,150.00	32,300.00	365,920.00
16th St. Anchor - REVENUE		138,065.63	133,864.70	139,044.40	158,502.99	182,703.75	229,426.08	171,265.83	162,440.18	120,877.97	171,476.37	160,116.34	139,543.17	1,907,327.41
(Sales Tax Excluded)														
Expenses														
Security Personnel		15,377.39	12,631.97	12,484.73	15,631.96	12,668.78	12,530.75	13,631.98	11,987.96	12,248.30	15,061.26	11,030.36	10,324.14	155,609.58
Attendant/Cashier Labor		16,056.04	16,109.36	16,350.94	26,132.55	23,955.70	22,606.20	27,423.35	22,696.42	21,680.15	21,584.66	27,446.64	26,361.19	268,383.20
FP&L		4,138.44	4,138.44	3,384.80	3,942.83	4,252.58	2,711.52	3,239.29	3,610.07	4,015.70	3,844.35	4,232.00	3,789.76	45,298.78
Revenue Control Equipment Maintenance		775.00	775.00	775.00	775.00	775.00	775.00	775.00	1,025.00	825.00	825.00	775.00	775.00	9,650.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,078.00
Elevator Maintenance		1,675.97	1,097.97	2,457.97	1,097.97	1,442.97	1,097.97	1,097.97	1,097.97	1,067.97	1,180.64	1,180.64	1,180.64	15,706.65
Landscape and Lot Maintenance		152.00	152.00	152.00	152.00	152.00	152.00	152.00	152.00	152.00	153.00	152.00	152.00	1,901.00
Garage Cleaning/Maintenance		9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	9,242.00	110,904.00
Sanitation (Waste Removal)		179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01	179.01	2,148.12
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	3,000.00
16th St. - Anchor EXPENSES		48,265.85	45,033.75	45,734.45	57,823.32	53,338.04	49,564.45	56,410.60	50,660.43	50,080.13	52,752.92	54,920.65	52,686.74	617,681.33
16th St. PROFIT/(LOSS)		89,798.78	88,830.95	93,309.95	100,679.67	129,365.71	179,461.63	114,855.23	111,779.75	70,787.84	118,723.45	105,195.69	86,856.43	1,289,646.08

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
16th Street - Anchor Garage

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
16th Street - Anchor Garage														
Revenue-Ticket	463-8000-344911	76,425.24	85,206.68	86,298.69	94,582.18	118,038.51	164,273.90	101,423.32	99,099.99	74,747.67	100,624.29	100,280.84	42,528.02	1,143,529.33
Revenue - Valet	463-8000-344587	20,015.89	20,326.63	26,858.41	14,436.45	37,707.01	20,244.86	13,807.94	20,236.91	21,732.25	28,007.48	37,509.35	3,287.38	264,270.56
Revenue-Monthly Permits	463-8000-344903	26,750.00	28,200.00	23,050.00	23,550.00	28,100.00	29,494.86	28,300.00	28,200.00	29,100.00	28,250.00	27,800.00	27,550.00	328,344.86
16th St. Anchor - REVENUE		123,191.13	133,733.31	136,207.10	132,568.63	183,845.52	214,013.62	143,531.26	147,536.90	125,578.92	156,881.77	165,690.19	73,385.40	1,736,144.75
(Sales Tax Excluded)														
Expenses														
Security Personnel		12,428.89	10,171.83	13,395.77	13,665.72	9,837.47	13,607.43	13,622.77	17,009.29	15,841.13	13,312.95	16,538.88	10,164.07	159,394.20
Attendant/Cashier Labor		15,887.24	16,050.82	15,831.23	16,378.83	16,594.62	17,423.33	16,028.61	16,430.45	16,116.40	16,122.14	15,889.24	17,947.67	196,690.58
FP&L		3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	3,800.00	45,800.00
Revenue Control Equipment Maintenance		775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	775.00	1,450.00	775.00	775.00	9,975.00
Armed Guard Revenue Pickup		420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	420.00	5,040.00
Elevator Maintenance		1,278.82	1,743.82	155.00	1,015.32	1,015.32	1,015.32	1,015.32	1,097.97	1,206.47	1,097.97	4,787.13	1,097.97	16,526.43
Landscape and Lot Maintenance		164.67	152.00	164.67	164.67	164.67	164.67	164.67	152.00	152.00	152.00	190.00	152.00	1,938.02
Garage Cleaning/Maintenance		2,924.40	2,924.00	2,924.00	2,924.00	2,924.00	2,924.00	22,325.40	4,869.00	4,864.00	4,864.00	4,864.00	4,864.00	64,194.80
Sanitation (Waste Removal)		171.64	171.64	171.43	181.96	181.96	174.34	171.64	179.01	179.01	179.04	179.01	179.01	2,118.69
Fire Alarm Service		250.00	250.00	250.00	250.00	250.00	250.00	250.00	250.00	346.30	250.00	250.00	250.00	3,086.30
16th St. - Anchor EXPENSES		38,100.66	36,459.11	37,867.10	39,575.50	35,953.04	40,554.09	58,573.41	44,982.72	43,500.31	41,648.10	47,691.26	39,649.72	504,576.02
16th St. PROFIT/(LOSS)		85,090.47	97,274.20	98,320.00	92,993.13	147,892.48	173,459.53	84,957.85	102,554.18	82,078.61	115,233.67	117,998.93	33,715.68	1,231,568.73

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A

LOCATION	ACCOUNTING CODE	2005 October	2005 November	2005 December	2006 January	2006 February	2006 March	2006 April	2006 May	2006 June	2006 July	2006 August	2006 September	FY 2005/2006 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	2,768.78	3,349.52	3,380.38										9,498.68
Revenue-Monthly Permits	480-8000-344595	28,980.00	28,740.00	28,980.00										86,700.00
42nd St. - 8A REVENUE (Sales Tax Excluded)		31,748.78	32,089.52	32,360.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	96,198.68
Expenses														
Security Personnel		5,111.19	5,518.17	6,846.84										17,476.20
Attendant/Cashier Labor		3,549.80	4,015.15	4,426.41										11,991.36
FP&L		1,870.01	1,705.27	1,982.44										5,557.72
Revenue Control Equipment Maintenance		1,891.66	1,891.66	2,367.05										6,150.37
Elevator Maintenance		430.00	430.00	430.00										1,290.00
Landscape Maintenance		0.00	0.00	0.00								0.00	0.00	0.00
Garage Cleaning/Maintenance		3,392.00	3,392.00	3,392.00								0.00	0.00	10,176.00
42nd St. - 8A EXPENSES		16,244.66	16,952.25	19,444.73	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	52,641.65
42nd St. PROFIT/(LOSS)		15,504.12	15,137.27	12,915.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	43,557.03

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LOCATION	ACCOUNTING CODE	2004 October	2004 November	2004 December	2005 January	2005 February	2005 March	2005 April	2005 May	2005 June	2005 July	2005 August	2005 September	FY 2004/2005 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	2,996.27	3,087.87	2,986.91	3,523.36	5,560.37	3,684.11	3,179.44	3,264.48	2,909.35	3,046.75	5,699.53	6,316.84	46,275.28
Revenue-Monthly Permits	480-8000-344595	34,020.00	33,360.00	33,720.00	33,720.00	33,720.00	24,720.00	25,020.00	25,680.00	25,860.00	25,740.00	25,680.00	25,740.00	346,960.00
42nd St. - 8A REVENUE (Sales Tax Excluded)		37,016.27	36,447.87	36,706.91	37,243.36	39,300.37	28,404.11	28,199.44	28,944.48	28,769.35	28,786.75	31,379.53	32,056.84	393,255.28
Expenses														
Security Personnel		10,306.80	8,245.44	8,214.77	10,306.80	8,217.83	8,245.44	8,156.48	7,960.05	8,043.84	10,054.80	6,008.94	13,747.56	107,508.75
Attendant/Cashier Labor		3,215.99	3,061.85	3,176.80	5,232.69	5,826.12	4,422.79	5,523.08	5,202.01	4,404.76	4,188.31	5,339.12	5,028.86	54,622.38
FP&L		1,805.96	1,982.13	1,927.13	1,725.18	1,964.05	1,820.02	1,856.45	1,527.52	1,861.10	1,967.00	2,081.77	2,042.89	22,561.20
Revenue Control Equipment Maintenance		0.00	110.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,891.66	3,724.66	5,726.32
Elevator Maintenance		1,819.16	430.00	430.00	430.00	430.00	430.00	430.00	430.00	430.00	430.00	591.48	430.00	6,710.64
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garage Cleaning/Maintenance		3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	3,392.00	40,704.00
42nd St. - 8A EXPENSES		20,539.91	17,221.42	17,140.70	21,086.67	19,830.00	18,310.25	19,356.01	18,511.56	18,131.70	20,032.11	19,304.97	28,365.97	237,833.29
42nd St. PROFIT/(LOSS)		16,476.36	19,226.45	19,566.21	16,156.69	19,470.37	10,093.86	8,841.43	10,432.90	10,637.65	8,754.64	12,074.56	3,690.87	155,421.99

CITY OF MIAMI BEACH
PARKING DEPARTMENT
PROFIT & LOSS STATEMENT
42nd Street Garage - 8A

LOCATION	ACCOUNTING CODE	2003 October	2003 November	2003 December	2004 January	2004 February	2004 March	2004 April	2004 May	2004 June	2004 July	2004 August	2004 September	FY 2003/2004 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	3,350.48	2,763.56	3,415.88	3,842.04	10,986.37	3,644.84	3,200.92	4,165.41	3,907.46	3,619.65	3,802.80	2,752.32	49,431.73
Revenue-Monthly Permits	480-8000-344595	34,620.00	34,980.00	35,760.00	33,780.00	35,040.00	35,100.00	35,100.00	34,440.00	34,200.00	34,500.00	24,480.00	34,620.00	406,620.00
	42nd St. - 8A REVENUE (Sales Tax Excluded)	37,970.48	37,743.56	39,175.88	37,622.04	46,006.37	38,744.84	38,300.92	38,605.41	38,107.46	38,119.65	28,282.80	37,372.32	456,051.73
Expenses														
Security Personnel		8,206.59	8,797.59	9,113.55	8,728.04	9,214.77	8,245.44	8,245.44	10,306.80	8,245.44	8,245.44	10,294.53	7,251.57	104,895.20
Attendant/Cashier Labor		3,255.18	3,257.79	3,077.53	2,837.18	4,731.24	3,317.88	3,210.77	3,537.33	3,195.09	3,027.89	4,255.76	3,848.22	41,551.86
FP&L		1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		536.00	536.00	536.00	536.00	536.00	536.00	430.00	1,190.80	430.00	430.00	430.00	430.00	6,556.80
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	136.00	0.00	0.00	0.00	136.00
Garage Cleaning/Maintenance		1,796.50	1,780.00	1,796.50	1,796.50	1,763.50	1,796.50	1,780.00	1,780.00	1,796.50	1,837.75	1,796.50	3,392.00	23,112.25
	42nd St. - 8A EXPENSES	15,600.23	16,177.34	16,329.54	15,703.68	18,051.47	15,701.78	15,472.17	18,620.89	15,608.99	15,347.04	18,582.75	16,727.75	197,923.63
	42nd St. PROFIT/(LOSS)	22,370.25	21,566.22	22,846.34	21,918.36	27,954.90	23,043.06	22,828.75	19,984.52	22,498.47	22,772.61	9,700.05	20,644.57	258,128.10

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LOCATION	ACCOUNTING CODE	2002 October	2002 November	2002 December	2003 January	2003 February	2003 March	2003 April	2003 May	2003 June	2003 July	2003 August	2003 September	FY 2002/2003 TOTAL
42nd Street Garage - 8A														
Revenue-Ticket	480-8000-344531	2,068.55	1,661.97	1,616.89	2,474.77	6,040.17	2,375.90	2,602.80	3,376.65	2,976.64	2,871.04	2,828.05	2,622.43	33,515.86
Revenue-Monthly Permits	480-8000-344595	36,300.00	35,940.00	35,640.00	34,680.00	35,160.00	34,320.00	34,440.00	34,200.00	34,680.00	34,500.00	34,500.00	34,740.00	419,100.00
	42nd St. - 8A REVENUE (Sales Tax Excluded)	38,368.55	37,601.97	37,256.89	37,154.77	41,200.17	36,695.90	37,042.80	37,576.65	37,656.64	37,371.04	37,328.05	37,362.43	452,615.86
Expenses														
Security Personnel		10,877.14	8,244.21	8,143.74	10,305.98	8,690.43	8,230.10	10,989.83	8,988.60	11,395.97	9,140.34	11,484.72	8,883.48	115,374.54
Attendant/Cashier Labor		2,639.24	3,696.43	2,477.56	2,507.41	3,984.97	2,718.84	2,631.78	2,989.97	4,430.24	2,897.94	3,182.84	3,082.75	37,239.97
FP&L		1,539.31	1,459.55	1,341.18	1,510.98	3,178.78	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	1,805.96	21,671.52
Revenue Control Equipment Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	-217.50	0.00	0.00	0.00	0.00	0.00
Elevator Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	536.00	536.00	536.00	536.00	536.00	536.00	3,216.00
Landscape Maintenance		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	182.00	0.00	0.00	0.00	182.00
Garage Cleaning/Maintenance		1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,285.00	1,796.50	1,796.50	1,780.00	16,938.00
	42nd St. - 8A EXPENSES	16,340.69	14,685.19	13,247.48	15,609.37	17,139.18	14,039.90	17,466.07	15,388.03	19,635.17	16,176.74	18,806.02	16,088.19	194,622.03
	42nd St. PROFIT/(LOSS)	22,027.86	22,916.78	24,009.41	21,545.40	24,060.99	22,656.00	19,576.73	22,188.62	18,021.47	21,194.30	18,522.03	21,274.24	257,993.83




MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager 

DATE: March 8, 2006

SUBJECT: **STATUS REPORT ON THE REHABILITATION OF THE EXISTING BUILDING AND CONSTRUCTION OF THE NEW FIRE STATION NO. 2.**

The improvements to Fire Station No. 2 include full historic renovation of the existing building (Building A) and construction of a new facility that will include three apparatus bays and living quarters for the station's fire crews, and an Emergency Operations Center (Building B).

Jasco Construction Company (Jasco) is the Construction Manager at Risk and STA Architectural Group (STA) is the architect/engineer (A/E). The Guaranteed Maximum Price (GMP) for the project is \$8,096,580. The first Notice to Proceed for construction was issued on November 22, 2004. Construction and moving in of fire personnel into Building B was expected to require 15 months. Following this, renovation of Building A, and its conversion into administrative offices, will require an estimated 13 months to be substantially complete.

Vertical construction of Building B is well underway. All structural and grade work within the building footprint has been completed. The first, second and third floor shell is complete. The apparatus bay roof slab has been completed. The contractor continues work on the underground utilities and rough work on the interior plumbing, HVAC and electrical. Framing of interior partitions is underway on the first and second floor.

A time-only extension to the contract has been approved. The extension was related primarily to several unforeseen site condition issues which had caused delays in the project. The extension was for a total of 55 days, this time had already been reflected in the schedule.

The construction is estimated to be at 65% completion, the work is progressing as scheduled, and there are no major issues. Building B is scheduled to reach Substantial Completion and be ready for occupancy during the third quarter of 2006.


JMG/THEO/JCC/HKM

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **STATUS REPORT ON THE CONSTRUCTION OF FIRE STATION NO. 4**

Notice to Proceed for the construction of the Fire Station 4 project was issued on November 15, 2004. The Project is estimated to be at 75% completion and Substantial Completion is set for April 6, 2006.

The building shell, as well as roofing work, has been completed. Installation of storefront windows is scheduled to start by February 15th. The local market is experiencing a shortage of silica sand that is used in stucco; this has impacted start of exterior stucco work and paint. Stucco work has started from the higher walls down and it is estimated to be completed in three weeks. The General Contractor, Carivon Construction Company is reviewing the schedule, looking for work items that could be brought out of sequence and is also in the process of submitting a plan to recover lost time and preserve the Substantial Completion date. Site work has been brought forward, the contractor has graded the sloped entrance of the truck bays, and is in the process of back-filling and compacting the perimeters of the building. The back-up power generator has been installed and the electrical subcontractor is in the process of running the wires that connect it to the building's switchgear; they have also pulled all branch circuits and are ready to install electrical devices and fixtures.

The Contractor has installed interior wall frames and furring strips; most of the doors have been installed in preparation for drywall. Installation of the fire suppression systems (sprinklers), as well as the fire alarm system boxes and sensory components, is in progress throughout the building. Rough work for other trades such as electrical and plumbing is almost complete.

JMG/DAJCH/JCC/AL

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **STATUS REPORT ON THE NORMANDY ISLE PARK AND POOL PROJECT**

Pool Area:

Notice to Proceed was issued to a Job Order Contractor (JOC), Pass International on August 15, 2005 to complete the Project. As some of the work left by the previous, defaulted contractor will have to be redone, it is difficult to estimate exactly what the construction duration will be. However, staff currently estimates the Project duration will be approximately ten months, with a projected Substantial Completion for the summer of 2006.

The Contractor has poured concrete at the pump house tie beams and columns, exterior steps and two replaced columns. Formwork of the tie beams and columns of the multi-purpose room is in progress. The drilling sub-contractor is in the process of pulling the permit to start the drainage deep well. Demolition of the old parking lot and sidewalks is finished and the contractor is working on the formwork of new curbs and gutters.

A meeting was held on January 23, 2006 with the City Manager's staff, Building Department, CIP, URS, and Pass International to address issues resulting from the structural plans review. As a result, the Building Dept. has agreed to expedite inspections of portions of the remaining work with confirmation from the threshold inspector, PSI, that construction completed by the previous contractor meets plans and specifications. This has now been provided.

The City is also discussing a plan and negotiating a cost with the contractor to expedite the remaining work. In addition, the City and the contractor have discussed focusing the construction on the pool equipment building and the pools themselves in order to accelerate the useful occupancy of this portion of the project. The other buildings and installations would be completed after the pool opens if this effort is successful. The Building Official has already stated that a partial temporary certificate of occupancy would be granted if the pool is isolated from the rest of the construction and temporary restroom facilities are provided. The contractor is already accelerating these installations and the City may be willing to exercise this option if the pools and pool building are completed in a timely fashion.

Park Area:

Separate from the work scope for the Pool Area, the Administration issued a contract to Pass International for the removal of the old basketball courts, miscellaneous structures and site grading. Work began on the park portion on March 30, 2005.

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The Contract includes construction of the drainage and irrigation systems, underground electrical conduits (for future sports lighting), multi-purpose court, West parking lot, sidewalks and new street paving. Currently, the drainage system, the multi-purpose court, parking lot, sidewalk and pavement are complete. Installation of the irrigation system is in progress. Electrical distribution lines, underground conduits and wiring for the sports lighting have also been installed.

A separate JOC contract was awarded for the landscaping and perimeter fencing on October 13, 2005. The column piers and fencing have been installed, painting is complete and landscaping is in progress. The work that has currently been awarded is projected to be Substantially Complete in March, 2006.

The remaining scope of work for the Park (sports lighting equipment and soccer field) will be constructed during the last phase of the Project.


JMG/TH/JCH/JCC/AL

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: March 8, 2006

SUBJECT: **STATUS REPORT ON PUMP STATION NO. 28**

Pump Station 28 is located on Sheridan Avenue and 28th Street and has been in renovation since August, 2004 under the citywide \$17.4 million dollar pump stations renovation contract with Widell Inc. (Widell). The renovation includes replacement of all service and booster pumps, rehabilitation of electrical and mechanical systems, and installation of a backup electrical generator. To date, 90% of the construction has been completed and the contractor is in the final stages of securing a Certificate of Completion. The work achieved at this Pump Station is as follows and these items are presently being addressed:

- Public Works was able to remove the portable pump on 28th Street. Widell removed construction debris; Public Works and Widell removed surplus materials.
- The soil material stocked on site will be re-utilized on site once the FPL transformer is removed and the vault is demolished. The FPL transformer removal was scheduled for March 2, 2006. Following the removal, Widell will need an additional two weeks to demolish the vault and fill it with the stockpiled material.
- The removal of the temporary by-pass pumps and piping will occur as soon as the new emergency generator is placed into service. The new generator has been tested and is ready. Widell, however, still needs to complete the interface with the electrical system; complete the control wiring; test the main switchgear and set breakers based on the power coordination study; test the automatic transfer equipment and demonstrate auto-transfer functionality. Final pump removal is expected to begin on March 15th. The by-pass pumps and piping have been left in place as standby in the event electrical power to the site is interrupted.
- The portable office has been removed and removal of the four storage containers is still pending.
- Site final grading, exterior painting and pavement repairs are expected to be completed by the end of April.

In response to the community concerns, odor control equipment was installed in early February and appears to be working satisfactorily. Once the trial period is successfully completed and funding identified, permanent installations will be programmed.

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MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: City Manager Jorge M. Gonzalez

DATE: March 8, 2006

SUBJECT: **INFORMATION REPORT TO THE MAYOR AND CITY COMMISSION, ON FEDERAL, STATE, MIAMI-DADE COUNTY, U.S. COMMUNITIES, AND ALL EXISTING CITY CONTRACTS FO RENEWAL OR EXTENSIONS IN THE NEXT 180 DAYS.**

The City Commission adopted Resolution No. 2000-24141, which provided that all existing City contracts for renewal or extensions, which by their terms or pursuant to change orders exceed \$10,000, and all extensions or renewals of such contracts, shall be presented as an informational report to the Mayor and City Commission, at least 180 days prior to the contract extension or renewal date. Subsequent thereto, the City Commission adopted Resolution No. 2001-24332, changing the reporting requirement from \$10,000 to \$25,000.

The Administration in addition to reporting on all existing City contracts, will now report information relative to Miami-Dade County, State of Florida, U.S. Communities and Federal GSA contracts that are approved for utilization by the City Manager. Pursuant to information contained in Miami-Dade County, State of Florida, U.S. Communities and Federal General Services Administration (GSA) bid list, the following are contracts that will expire within the next 180 days:

	DESCRIPTION	VENDOR	EXPIRATION DATE	RENEWAL TERMS
1.	Parking Meter Collection Services	Standard/APCOA	8/28/2006	None
2.	Cummins-Allison Equipment Maintenance Services (MDCC IQ7389-2/06-1)	Cummins-Allison Corporation	8/31/2006	8/31/2007
3.	Building Materials Pre-Qualification of Bidders (MDCC CBWM7757-0/06)	MCR Lumber & Materials Supply Inc.	8/31/2006	None

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4.	Boat Motors(State: 120-440-05-1)	Mercury Marine	08/31/2006	Sole discretion of the State.
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PDW